



# Journal of the Senate

Number 21

Friday, April 26, 1991

## CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—39:

Madam President	Davis	Jennings	Scott
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kiser	Thomas
Brown	Forman	Kurth	Thurman
Bruner	Gardner	Langley	Walker
Casas	Girardeau	Malchon	Weinstein
Childers	Gordon	McKay	Weinstock
Crenshaw	Grant	Meek	Wexler
Crotty	Grizzle	Myers	Yancey
Dantzler	Jenne	Plummer	

## PRAYER

The following prayer was offered by the Rev. Joseph R. McAuliffe, Pastor, Tampa Covenant Church, Tampa:

Lord, it is good for us to be here today. We begin this day by humbling ourselves in your presence. We ask for your mercy to cover our transgression and for your grace to empower us to do that which is pleasing to you.

Give us wisdom to address the problems we face in terms of your revelation. Grant us hearts of compassion for those most needy and a spirit of cooperation to accomplish our tasks this day. We ask this all in your name. Amen.

## CONSIDERATION OF RESOLUTIONS

On motion by Senator Bankhead, the rules were waived by unanimous consent and the following resolution was introduced out of order:

By Senator Bankhead—

**SR 2496**—A resolution opposing any reduction in the Florida National Guard and supporting a strong National Guard.

WHEREAS, the Florida National Guard has been of vital benefit and has distinguished itself in both the service of the United States and the State of Florida, and

WHEREAS, in its joint mission of state and federal service, the Florida National Guard provides essential support to law enforcement in the mission to interdict drugs, and

WHEREAS, in its state mission, the Florida National Guard provides support for state disaster relief during hurricanes, forest fires, and also in the event of civil disturbances, and

WHEREAS, specific units of the Florida National Guard distinguished themselves by their participation in Operation Desert Storm, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Senate of the State of Florida vehemently opposes any significant reduction in personnel or equipment of the Florida National Guard by the national defense establishment.

BE IT FURTHER RESOLVED that the State of Florida supports a strong National Guard and Reserve Force as a cost-effective means of providing effective military support to the United States and also in supporting the State of Florida in its role of interdicting the importation of illegal drugs and providing relief for state and national emergencies.

BE IT FURTHER RESOLVED that the Senate urges Congress and the Department of Defense to consider expansion of the Florida National Guard as an integral component of the restructuring of America's defense forces.

BE IT FURTHER RESOLVED that a copy of this resolution be dispatched to the Congressional Delegation of the State of Florida.

On motion by Senator Bankhead, **SR 2496** was read by title and was read the second time in full and adopted.

On motion by Senator Wexler, by two-thirds vote **SR 2304** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Wexler—

**SR 2304**—A resolution to commemorate the 1991 Black Gold Festival in Belle Glade.

WHEREAS, each year the people of Belle Glade, in order to show appreciation for the bounty of the winter vegetable harvest, celebrate a Black Gold Festival, and

WHEREAS, this festival recognizes the uniqueness and fertility of the area's soil, known locally as black gold because of its universal recognition as Belle Glade's fortune, and

WHEREAS, this year's festival, the theme of which is "Flavor of the Glades," is especially dedicated to honoring the people of Belle Glade by showcasing their friendliness, their willingness to work together to create a better lifestyle for all, and their civic pride, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the 1991 Black Gold Festival in Belle Glade, a celebration of the people and productivity of one of the state's great agricultural areas, is hereby commemorated.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to the Festival Board of Directors as a tangible token of the sentiments of the Florida Senate.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

On motion by Senator Weinstein, by two-thirds vote **SR 2400** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Weinstein—

**SR 2400**—A resolution commending nonprofit organizations.

WHEREAS, throughout the history of our nation, nonprofit organizations have existed primarily to benefit others, and

WHEREAS, nonprofit organizations have traditionally advocated nonprofit causes at all levels of government, and

WHEREAS, Florida is home to more than 4,000 nonprofit organizations that address possibly the widest range of issues and problems found anywhere in the United States, and

WHEREAS, nonprofit organizations are vital to the State of Florida in that they carry out critical state contracts for health, economic, and social needs, and

WHEREAS, the Florida Association of Nonprofit Organizations has been established to represent the collective interests of this state's nonprofit organizations, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That nonprofit organizations are hereby recognized and commended for their worthy efforts and many services rendered on behalf of the people of Florida.

BE IT FURTHER RESOLVED that nonprofit organizations receive due consideration for prompt payment of services, timely renewal of con-

tracts, funding of state mandates, professional representation, self-sufficiency, multi-year support, and timely notification of available government funding.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

On motion by Senator Girardeau, the rules were waived by unanimous consent and the following resolution was introduced out of order:

By Senators Girardeau, Meek and Thomas—

**SR 2498**—A resolution commending the Florida Agricultural and Mechanical University College of Pharmacy and Pharmaceutical Sciences for its extraordinary achievement in the pharmaceutical doctoral program.

WHEREAS, the Florida Agricultural and Mechanical University opened the School of Pharmacy in 1951 with 11 students, and now has more than 400 students pursuing a profession in pharmacy, including 27 graduate students, and

WHEREAS, FAMU graduated 96 percent of all blacks with pharmacy degrees in Florida, and

WHEREAS, in 1984, the Florida Caucus of Black State Legislators, vigorously sought approval for the establishment of a pharmaceutical doctoral program at Florida Agricultural and Mechanical University which was established in 1985 making it the first Ph.D. pharmacy program in the country offered by a historically black university, and

WHEREAS, from 1984 through 1989, the 59 other pharmacy schools in the country awarded doctorate degrees to just 13 black scientists representing 2.6 percent of the Ph.D. pharmacy graduates in the entire country, and

WHEREAS, on Saturday, April 27, 1991, the Florida Agricultural and Mechanical University's College of Pharmacy and Pharmaceutical Sciences will award five doctorates to blacks, more than all other pharmacy colleges in America combined, and

WHEREAS, the five graduates bring to seven the number of doctoral students to receive degrees in pharmaceutical sciences from FAMU, and

WHEREAS, eight more pharmacy students are in line to earn their doctoral degrees in the next year, and

WHEREAS, this achievement signals the future contributions of FAMU and its preeminent role in educating pharmaceutical scientists, and

WHEREAS, it is both fitting and proper on this day that the Senate of the State of Florida pause in its deliberations to commend this great institution of higher learning in this major accomplishment, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the President of Florida Agricultural and Mechanical University Frederick Humphries, Dean Johnnie Early, graduates Marcus B. Iszard, Robert L. Williams, Ebenezer Tubonemi Oriaku, Hugh Michael McLean, and Joyce V. Lee together with the entire faculty and staff of the College of Pharmacy and Pharmaceutical Sciences are hereby recognized and commended for this most noteworthy accomplishment.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to President Humphries and Dean Early as a tangible token of the sentiments of the Florida Senate.

On motion by Senator Girardeau, **SR 2498** was read by title and was read the second time in full and adopted.

#### SPECIAL ORDER

The Senate resumed consideration of—

**SB 1482**—A bill to be entitled An act relating to hate crimes; amending s. 775.085, F.S.; revising elements of the offense to provide for enhanced penalties when the commission of a criminal offense evidences prejudice based on sexual orientation; amending s. 877.19, F.S.; requiring such offenses to be reported to the Department of Law Enforcement under the Hate Crimes Reporting Act; providing an effective date.

—which had been considered April 25. Pending **Amendment 3** was adopted.

Senator Dantzler moved **Amendment 4** which was adopted.

On motion by Senator Langley, the Senate reconsidered the vote by which **Amendment 1** failed on April 25. The vote was:

Yeas—22      Nays—15

Senator Langley moved **Amendment 1A** which was adopted.

**Amendment 1** as amended was adopted.

Senator Langley moved **Amendment 5** which was adopted.

Senator Gordon moved **Amendments 6 and 7** which were adopted.

On motion by Senator Weinstock, by two-thirds vote **SB 1482** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33      Nays—3

**CS for SB 2004**—A bill to be entitled An act relating to local government code enforcement boards; amending s. 162.06, F.S.; providing for code inspectors to notify enforcement boards and violators of repeat violations; providing for repeat violators to request a hearing; amending s. 162.07, F.S., relating to hearings; providing that a board order may include notice that a fine may be imposed if the violation is repeated after the date of the board order; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote **CS for SB 2004** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32      Nays—None

Consideration of **SB 214**, **CS for CS for SB 1408** and **CS for CS for SB 1820** was deferred.

**CS for CS for SB 1796**—A bill to be entitled An act relating to the Spaceport Florida Authority; amending s. 331.302, F.S.; providing clarification of the definition of "agency" as applied to the authority; amending s. 331.303, F.S.; defining "conduit bond" and "financing agreement"; modifying the definition of "project"; amending s. 331.305, F.S.; authorizing the authority to execute financing agreements; revising the authority's power to construct and furnish facilities; revising bond authority, including authorizing the authority to fix, collect, and set aside in a sinking fund fees, loan payments, rental payments, and other charges for the use of any project to pay the principal of and interest on the bonds; providing the authority with the right and power of eminent domain within spaceport territory; amending s. 331.309, F.S.; authorizing transfer of authority funds to and from the State Treasury; amending s. 235.196, F.S.; authorizing the authority to participate in the funding and utilization of community educational facilities; amending s. 331.331, F.S.; revising the authority's power to issue revenue bonds; amending s. 331.339, F.S.; revising requirements for the sale of bonds; creating s. 331.354, F.S.; providing tax-exempt status for authority projects, for any other property owned by the authority under the provisions of the controlling act and upon income therefrom, for bonds and upon income therefrom, and for all securities issued in connection with a project financed under the controlling act, except for any tax imposed by chapter 220; amending s. 74.011, F.S.; availing the authority of proceedings supplemental to eminent domain; providing an effective date.

—was read the second time by title.

Two amendments were adopted to **CS for CS for SB 1796** to conform the bill to **CS for HB 2135**.

Pending further consideration of **CS for CS for SB 1796** as amended, on motions by Senator Gardner, by two-thirds vote **CS for HB 2135** was withdrawn from the Committees on Governmental Operations; Community Affairs; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Gardner—

**CS for HB 2135**—A bill to be entitled An act relating to the Spaceport Florida Authority; amending s. 331.302, F.S.; providing clarification of the definition of "agency" as applied to the authority; amending s. 331.303, F.S.; defining "conduit bond" and "financing agreement"; modifying the definition of "project"; amending s. 331.305, F.S.; authorizing

the authority to execute financing agreements; revising the authority's power to construct and furnish facilities; revising bond authority, including authorizing the authority to fix, collect, and set aside in a sinking fund fees, loan payments, rental payments, and other charges for the use of any project to pay the principal of and interest on the bonds; providing the authority with the right and power of eminent domain within spaceport territory; amending s. 331.309, F.S.; authorizing transfer of authority funds to and from the State Treasury; amending s. 235.196, F.S.; authorizing the authority to participate in the funding and utilization of community educational facilities; amending s. 331.331, F.S.; revising the authority's power to issue revenue bonds; amending s. 331.339, F.S.; revising requirements for the sale of bonds; creating s. 331.354, F.S.; providing tax-exempt status for authority projects, for any other property owned by the authority under the provisions of the controlling act and upon income therefrom, for bonds and upon income therefrom, and for all securities issued in connection with a project financed under the controlling act, except for any tax imposed by chapter 220; amending s. 74.011, F.S.; availing the authority of proceedings supplemental to eminent domain; providing for a study; authorizing the use of funds generated by the authority for matching purposes under the State University System's facilities matching grant program; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1796** and read the second time by title. On motion by Senator Gardner, by two-thirds vote **CS for HB 2135** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34      Nays—None

Consideration of **CS for SB's 1300 and 1688** was deferred.

**CS for SB 1582**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.055, F.S.; providing that the projects proposed to be funded by the local government infrastructure surtax may be voted on individually; specifying effect of disapproval of projects; providing an effective date.

—was read the second time by title.

One amendment was adopted to **CS for SB 1582** to conform the bill to **HB 1907**.

Pending further consideration of **CS for SB 1582** as amended, on motions by Senator Gardner, by two-thirds vote—

**HB 1907**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.055, F.S.; providing that the projects proposed to be funded by the local government infrastructure surtax may be voted on individually; specifying effect of disapproval of projects; providing an effective date.

—a companion measure, was substituted for **CS for SB 1582** and by two-thirds vote read the second time by title. On motion by Senator Gardner, by two-thirds vote **HB 1907** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34      Nays—1

**CS for SB 1732**—A bill to be entitled An act relating to corporations; amending s. 607.0120, F.S.; revising filing requirements; amending s. 607.0123, F.S.; revising language with respect to the effective time and date of certain documents; amending s. 607.0124, F.S.; revising language with respect to correcting a filed document; amending s. 607.0202, F.S.; deleting certain required information in the articles of incorporation; amending s. 607.0301, F.S.; revising language with respect to the purposes and application of the Florida Business Corporation Act; amending s. 607.0401, F.S.; revising language with respect to the corporate name; amending s. 607.0501, F.S.; eliminating a required report filed by a registered agent; amending s. 607.0502, F.S.; revising language with respect to the resignation of a registered agent; amending s. 607.0601, F.S.; revising language with respect to authorized shares; amending s. 607.0603, F.S.; revising language with respect to outstanding shares; amending s. 607.0620, F.S.; revising language with respect to subscribers who default; amending s. 607.0703, F.S.; revising language with respect to court-ordered meetings; amending s. 607.0704, F.S.; revising language with respect to actions by shareholders without a meeting; amending s. 607.0720, F.S.; revising language with respect to shareholders' list for meeting; amending s. 607.0725, F.S.; providing additional requirements with respect to quorum and voting requirements; repealing s. 607.0727, F.S., relating to shareholder quorum and voting and greater or lesser voting requirements; amending s. 607.0730, F.S.; revising language with

respect to voting trusts; amending s. 607.0731, F.S.; revising language with respect to shareholders' agreements; amending s. 607.0804, F.S.; revising language with respect to the election of directors by certain voting groups; amending s. 607.0806, F.S.; revising language with respect to staggered terms for directors; repealing s. 607.0831(6), F.S.; deleting a provision relating to the liability of directors which provided for application to nonprofit corporations; amending s. 607.08401, F.S.; revising language with respect to required officers; amending s. 607.0842, F.S.; providing criteria for the removal of an officer or agent elected by the shareholders; amending s. 607.0901, F.S.; revising language with respect to affiliated transactions; amending s. 607.0902, F.S.; revising language with respect to control-share transactions; amending s. 607.1002, F.S.; providing that the board of directors may adopt an amendment to the articles of incorporation, without shareholder action, to change the par value for a class or series of shares; amending s. 607.1006, F.S.; revising language with respect to articles of amendment; repealing s. 607.1103(7)(c), F.S.; deleting language which provides that action by the shareholders of a surviving corporation is not required with respect to action on a plan under certain circumstances; amending s. 607.1104, F.S.; revising language with respect to the merger of a subsidiary corporation; amending s. 607.1320, F.S.; revising language with respect to the procedure for exercise of dissenters' rights; amending s. 607.1406, F.S.; revising language with respect to claims against a dissolved corporation; amending s. 607.1430, F.S.; revising language with respect to grounds for judicial dissolution; providing specific grounds for judicial dissolution; amending s. 607.1433, F.S.; revising language with respect to judgment of dissolution; amending s. 607.1506, F.S.; revising language with respect to the use of a fictitious name; amending s. 607.1507, F.S.; requiring a filed written statement by certain registered agents; amending s. 607.1508, F.S.; revising language with respect to a registered agent's change of address; amending s. 607.1509, F.S.; revising language with respect to the termination of an agency appointment; amending s. 201.05, F.S.; revising language with respect to the tax on stock certificates; amending s. 617.01201, F.S.; providing that certain documents filed by corporations not for profit must be legible; amending s. 617.0122, F.S.; prescribing fee for filing documents and issuing certificates; amending s. 617.0123, F.S.; revising language with respect to the effective date of a document; amending s. 617.0124, F.S.; revising language with respect to correcting filed documents; amending s. 617.0202, F.S.; providing additional required information to be set forth in the articles of incorporation; amending s. 617.0401, F.S.; revising language with respect to the corporate name; amending s. 617.0501, F.S.; revising language with respect to a registered agent; amending s. 617.0502, F.S.; revising language with respect to the resignation of a registered agent; creating s. 617.0503, F.S.; providing for duties of registered agents; amending s. 617.0601, F.S.; revising language with respect to corporation members; amending s. 617.0701, F.S.; revising language with respect to members' meetings; amending s. 617.0721, F.S.; providing for voting by members; creating s. 617.0730, F.S.; providing for required provisions with respect to members of the corporation; amending s. 617.0808, F.S.; revising language with respect to removal of directors; amending s. 617.0833, F.S., relating to loans to directors or officers; amending s. 617.1001, F.S.; providing for amendments to the articles of incorporation; amending s. 617.1002, F.S.; revising language with respect to the procedure for amendments to the articles of incorporation; amending s. 617.1007, F.S.; revising language with respect to restated articles of incorporation; amending s. 617.1401, F.S.; providing that articles of dissolution must be executed in a certain manner; amending s. 617.1433, F.S.; providing for judgment of dissolution; amending s. 617.1504, F.S.; providing an additional set of circumstances requiring an amended certificate of authority; amending s. 617.1506, F.S.; revising language with respect to the corporate name of a foreign corporation; amending s. 617.1507, F.S.; revising language with respect to the registered office and registered agent of a foreign corporation; amending s. 617.1508, F.S.; revising language with respect to change of address of a registered agent; amending s. 617.1509, F.S.; providing for the termination of agency appointments for foreign corporations; amending s. 617.1601, F.S.; revising language with respect to corporate records; creating s. 617.1602, F.S.; providing for inspection of records by members; creating s. 617.1603, F.S.; providing for the scope of the inspection right; creating s. 617.1604, F.S.; providing for court-ordered inspection; creating s. 617.1605, F.S.; providing for financial reports for members; amending s. 617.1622, F.S.; providing for additional information in an annual report; amending s. 617.1623, F.S.; revising language with respect to corporate information available to the public; amending s. 617.1908, F.S.; providing for the applicability of the Business Corporation Act; creating s. 617.2102, F.S.; providing for fines and penalties against members; creating s. 617.2103, F.S.; providing exemptions for certain corporations; amending s. 620.103, F.S.; revising

language with respect to the name of a limited partnership; providing an effective date.

—was read the second time by title.

Senator Dudley moved **Amendments 1, 2, 3, 4, 5, 6, 7 and 8** which were adopted.

Senator Langley moved **Amendment 9**.

Senator Langley moved **Amendment 9A** which was adopted.

**Amendment 9** as amended was adopted.

Senator Langley moved **Amendment 10**.

Senator Langley moved **Amendment 10A** which was adopted.

**Amendment 10** as amended was adopted.

On motion by Senator Dudley, by two-thirds vote **CS for SB 1732** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34      Nays—None

**SB 2146**—A bill to be entitled An act relating to scheduled repeal and prior legislative review of certain professions, pursuant to the Regulatory Sunset Act; revising the scheduled repeal date for ss. 455.301, 455.302, 455.303, 455.304, 455.305, 455.306, 455.307, 455.308, 455.309, F.S., and repealing s. 22 of ch. 87-394, Laws of Florida, and s. 19 of ch. 88-378, Laws of Florida, relating to asbestos contractors and consultants; amending s. 14 of ch. 86-265, Laws of Florida; revising the scheduled repeal date for ch. 457, F.S.; relating to acupuncture; amending s. 18 of ch. 86-284, Laws of Florida; revising the scheduled repeal date for ch. 464, F.S.; relating to nursing; amending s. 27 of ch. 86-256, Laws of Florida; revising the scheduled repeal date for ch. 465, F.S.; relating to pharmacy; amending s. 24 of ch. 86-291, Laws of Florida, and s. 1(7) of ch. 89-296, Laws of Florida, and repealing s. 19 of ch. 89-374, Laws of Florida; revising the scheduled repeal date for ch. 466, F.S.; relating to dentistry, dental hygiene, and dental laboratories; amending s. 17 of ch. 86-223, Laws of Florida; revising the scheduled repeal date for part II of ch. 468, F.S.; relating to nursing home administration; amending s. 14 of ch. 86-119, Laws of Florida, and repealing s. 9 of ch. 87-210, Laws of Florida; revising the scheduled repeal date for part VI of ch. 468, F.S.; relating to auctioneers; amending s. 15 of ch. 86-292, Laws of Florida, and repealing s. 4 of ch. 89-66, Laws of Florida; revising the scheduled repeal date for part VII of ch. 468, F.S.; relating to talent agencies; providing an effective date.

—was read the second time by title.

Senator Dantzler moved **Amendment 1** which was adopted.

On motion by Senator Dantzler, by two-thirds vote **SB 2146** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34      Nays—None

The Senate resumed consideration of—

**CS for CS for HB 365**—A bill to be entitled An act relating to hunting and fishing; creating s. 372.105, F.S.; creating the Lifetime Fish and Wildlife Trust Fund; creating s. 372.106, F.S.; creating the Dedicated License Trust Fund; amending s. 372.561, F.S.; providing a fee to cover processing costs for lifetime or 5-year licenses; providing for remittance of funds; amending s. 372.57, F.S.; providing for a 5-year and lifetime sportsman's licenses for hunting and fishing; providing fees; amending s. 372.571, F.S.; revising language with respect to the expiration of licenses and stamps; providing reference to lifetime and 5-year licenses; amending s. 372.5712, F.S.; providing for the expenditure of certain revenues relating to waterfowl hunting privileges; amending s. 372.5715, F.S.; providing for the expenditure of certain revenues relating to turkey hunting privileges; amending s. 372.573, F.S.; providing for the expenditure of certain revenues relating to management area privileges; amending s. 372.60, F.S.; revising language with respect to the issuance of replacement licenses or stamps to include reference to lifetime and 5-year licenses; amending s. 372.661, F.S.; revising cross references with respect to private hunting preserve licenses; providing appropriations; amending s. 370.0605, F.S.; providing for a 5-year resident saltwater fishing license; providing a penalty; increasing certain fees; increasing the time period for paying certain civil penalties; providing fees; providing for the remittance of funds; providing for replacement licenses; amending s. 370.0608, F.S.;

providing for the disposition of proceeds from 5-year licenses; creating s. 370.0615, F.S.; providing for lifetime saltwater fishing licenses; providing fees; amending s. 372.5717, F.S.; revising language with respect to Hunter Safety Program Requirements; providing effective dates.

—which had been considered April 25. Pending **Amendment 5** was adopted.

Senator Dantzler moved **Amendments 6, 7, 8, 9, 10 and 11** which were adopted.

Senator Bruner moved **Amendment 12**.

Further consideration of **CS for CS for HB 365** with pending **Amendment 12** was deferred.

**SB 1676**—A bill to be entitled An act relating to educational facilities; amending s. 235.196, F.S.; requiring the Office of Educational Facilities through an independent appraiser to determine the value of existing sites for purposes of developing community educational facilities; providing an effective date.

—was read the second time by title.

Senators Thurman and Grant offered **Amendment 1** which was moved by Senator Thurman.

Senator Walker moved **Amendment 1A** which was adopted.

**Amendment 1** as amended was adopted.

Senator Thurman moved **Amendment 2**.

Senator Walker moved **Amendment 2A** which was adopted.

**Amendment 2** as amended was adopted.

On motion by Senator Thurman, by two-thirds vote **SB 1676** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34      Nays—None

On motions by Senator Meek, by two-thirds vote **CS for CS for HB 1431** was withdrawn from the Committees on Judiciary, Governmental Operations and Appropriations.

On motions by Senator Meek, by two-thirds vote—

**CS for CS for HB 1431**—A bill to be entitled An act relating to bias in Florida's court and justice systems and law enforcement standards and training; amending s. 43.29, F.S.; requiring minority representation on the Judicial Nominating Commissions; amending s. 39.023, F.S.; requiring minority representation on the Commission on Juvenile Justice; amending s. 39.024, F.S.; requiring minority representation on the Juvenile Justice Standards and Training Council; creating s. 760.51, F.S.; providing for civil actions with respect to violation of certain constitutional rights; creating s. 16.57, F.S.; creating an Office of Civil Rights in the Department of Legal Affairs; creating s. 28.34, F.S.; providing relief for salary discrimination based on gender or race for county and circuit court personnel; creating s. 27.182, F.S.; providing relief for salary discrimination based on gender or race in the office of state attorney; creating s. 27.5301, F.S.; providing relief for salary discrimination based on gender or race in the office of public defender; providing definitions; creating s. 943.1715, F.S.; providing for basic skills training relating to racial and ethnic minorities; creating s. 943.1716, F.S.; requiring such training for continued employment; creating s. 943.1757, F.S.; providing executive level training relating to racial and ethnic minorities; requiring the Criminal Justice Executive Institute to submit annual reports; amending s. 943.1755, F.S.; providing for research studies relating to racial and ethnic minorities; creating s. 943.1758, F.S.; providing for revision of Criminal Justice Standards and Training relating to racial and ethnic minorities; providing a curriculum of standardized proficiency law enforcement instructions on racial and ethnic minorities; providing for use of culturally sensitive demonstrative aids; providing for trainer programs; requiring a report from the commission; requiring a revised curriculum; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 1322** and by two-thirds vote read the second time by title. On motion by Senator Meek, by two-thirds vote **CS for CS for HB 1431** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34      Nays—None



Consideration of **CS for SB 1776** and **Senate Bills 1646** and **1920** was deferred.

#### SENATOR JENNE PRESIDING

**CS for HB's 343, 759, 1139 and 2073**—A bill to be entitled An act relating to driving under the influence; amending s. 316.193, F.S.; providing that driving with a specified breath alcohol level constitutes driving under the influence; providing minimum fines; requiring certain notice to the defendant; amending s. 316.1932, F.S.; specifying the basis for determining the percent of alcohol in blood or breath; expanding implied consent for blood tests; specifying persons who may withdraw blood for blood test purposes; providing for release of breath test information; amending s. 316.1933, F.S.; specifying persons who may withdraw blood; amending s. 316.1934, F.S.; defining "normal faculties"; providing admissibility of breath tests; specifying presumptions relating to impairment; providing for admissibility of an affidavit containing the results of a blood or breath test in specified circumstances; creating s. 316.1939, F.S.; providing for seizure and forfeiture of vehicles involved in certain cases of driving under the influence; providing exceptions; amending s. 327.35, F.S.; providing that operating a vessel with a specified breath alcohol level constitutes operating a vessel under the influence; requiring certain notice to the defendant; providing for seizure and forfeiture of vessels involved in certain cases of operating a vessel under the influence; amending s. 327.352, F.S., relating to tests for impairment or intoxication with respect to operating a vessel under the influence, to conform; amending s. 327.354, F.S.; providing admissibility of breath tests; specifying presumptions relating to impairment; specifying the basis for determining the percent of alcohol in blood or breath; amending ss. 316.656, 322.291, and 327.36, F.S., to conform; reenacting ss. 322.03(2), 322.264, 322.271(2)(a), 322.28(2)(a) and (e) and (5)(a), 322.282(2)(a), 327.351(1) and (2), 327.352(1) and (2), and 327.353, F.S., relating to accident reports, driver's licenses, and operation of a vessel while intoxicated, to incorporate the amendments to ss. 316.193, 316.1932, 316.1933, 316.1934, and 327.35, F.S., in references thereto; amending s. 90.803, F.S.; providing for admissibility of an affidavit containing the results of a blood or breath test notwithstanding the hearsay rule; amending s. 316.062, F.S.; providing that the duty of a person to give information regarding an accident to a law enforcement officer does not extend to information that would incriminate the person; amending ss. 316.066 and 324.051, F.S.; providing circumstances under which a law enforcement officer may testify as to statements made to him relating to accidents; amending s. 316.1937, F.S.; providing for defraying costs of installing ignition interlock devices, for probationers unable to pay therefor, from allocation of fines; amending ss. 316.192, 316.193, 322.2615, 322.282, and 322.64, F.S.; providing for the cancellation of the driving privilege of a person referred to substance abuse treatment for driving under the influence who fails to report or complete such treatment; prohibiting the release of a person arrested for driving under the influence until his normal faculties are no longer impaired, until his blood alcohol level is less than 0.05 percent, or until eight hours have elapsed; providing enhanced penalties for driving under the influence when a minor child is in the vehicle; providing for the use of out-of-state convictions; amending s. 316.1937, F.S.; providing for defraying costs of installing ignition interlock devices; revising provisions relating to administrative suspension of the driving privilege and disqualification from operating a commercial motor vehicle for driving under the influence or refusing to submit to a requested breath, blood, or urine test; providing that law enforcement officers or correctional officers may take such actions; specifying information that may be considered in a review of such action; specifying circumstances under which a review must be conducted; specifying scope of review; providing for issuance of temporary permits and licenses for business or employment use; specifying venue for appeals of suspensions and disqualifications; providing for reinstatement of driving privilege under certain circumstances; providing for notice of issuance of subpoenas; amending ss. 322.28, 322.264, and 322.271, F.S., to provide for similar convictions outside of this state; amending s. 322.271, F.S.; authorizing modification of suspension; amending s. 322.291, F.S., to conform; providing a severability clause; providing an effective date.

—was read the second time by title.

Senator Langley moved **Amendment 1** which was adopted. The vote on adoption was:

Yeas—20      Nays—12

Senator Langley moved **Amendments 2, 3, 4 and 5** which were adopted.

On motion by Senator Langley, by two-thirds vote **CS for HB's 343, 759, 1139 and 2073** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36      Nays—None

**SB 234**—A bill to be entitled An act relating to education; amending s. 230.66, F.S.; abolishing the Industry Services Advisory Council; authorizing the Commissioner of Education to develop a method by which participation in the industry services training program by private-sector individuals assists staff of the Department of Education, the Department of Commerce, and the Department of Labor and Employment Security; providing an effective date.

—was read the second time by title. On motion by Senator Walker, by two-thirds vote **SB 234** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36      Nays—None

#### THE PRESIDENT PRESIDING

**SB 1646**—A bill to be entitled An act relating to tax on sales, use and other transactions subject to tax under ch. 212, F.S.; amending s. 212.08, F.S.; providing an exemption for works of art sold to or used by nonprofit libraries, art galleries, museums, or other educational institutions open to the public; providing an exemption for such property purchased or imported for the purpose of being loaned to any such institution or organization located in this state; providing applicability; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended **Amendment 1** which was moved by Senator Jenne and adopted.

Senator Jenne moved **Amendments 2 and 3** which were adopted.

Senator Jennings offered **Amendments 4 and 5** which were moved by Senator Jenne and adopted.

On motion by Senator Jenne, by two-thirds vote **SB 1646** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37      Nays—None

On motions by Senator Kirkpatrick, by two-thirds vote **CS for HB 671** was withdrawn from the Committees on Governmental Operations; Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Kirkpatrick—

**CS for HB 671**—A bill to be entitled An act relating to the Florida National Guard; amending s. 250.31, F.S.; providing that Florida National Guard personnel serving in any drug interdiction program under the authority of the Governor shall be considered in active service of the state; creating s. 250.531, F.S.; providing for the drug interdiction responsibilities of the Florida National Guard; providing an effective date.

—a companion measure, was substituted for **CS for SB 1216** and read the second time by title.

Senator Kirkpatrick moved **Amendments 1 and 2** which were adopted.

On motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 671** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35      Nays—1

**HB 243**—A bill to be entitled An act relating to special observances; creating s. 683.21, F.S.; designating "Juneteenth Day" to officially commemorate the freeing of the slaves in Florida; providing an effective date.

—was read the second time by title. On motion by Senator Meek, by two-thirds vote **HB 243** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37      Nays—None

**CS for HB 375**—A bill to be entitled An act relating to the District School Board of DeSoto County; providing relief for Stephen Franklin McAllister for damages resulting from an accident which occurred while he was a student attending Arcadia High School; providing for payment of compensation by the district school board in installments; providing an effective date.

—was read the second time by title. On motion by Senator McKay, by two-thirds vote **CS for HB 375** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35      Nays—None

**CS for HB 613**—A bill to be entitled An act relating to abuse and neglect of certain adult persons; amending s. 415.111, F.S., relating to certain offenses involving abuse or neglect of aged persons or disabled adults, to clarify provisions describing those offenses; amending s. 775.15, F.S., relating to time limitations; increasing the statutes of limitations for certain offenses involving abuse or neglect of aged persons or disabled adults; providing an effective date.

—was read the second time by title. On motion by Senator Souto, by two-thirds vote **CS for HB 613** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

On motions by Senator Dudley, by two-thirds vote **CS for CS for HB 1465** was withdrawn from the Committees on Commerce; Community Affairs; and Finance, Taxation and Claims.

On motions by Senator Dudley, by two-thirds vote—

**CS for CS for HB 1465**—A bill to be entitled An act relating to community associations; amending s. 718.103, F.S.; providing definitions; amending s. 718.104, F.S.; providing additional requirements in the declaration creating a condominium; providing additional requirements in the common elements for certain condominiums; amending s. 718.110, F.S.; revising language with respect to the amendment of the declaration; amending s. 718.111, F.S.; revising language with respect to the association; providing for a civil penalty; amending s. 718.112, F.S.; revising language with respect to the bylaws; providing a fine; amending s. 718.113, F.S.; requiring each board of administration to adopt hurricane shutter specifications along certain lines; amending s. 718.114, F.S.; revising language with respect to the association powers; amending s. 718.115, F.S.; revising language with respect to common expenses and common surplus; amending s. 718.116, F.S.; revising language with respect to assessments; amending s. 718.1255, F.S.; providing for alternative dispute resolution; encouraging voluntary mediation; providing for mandatory nonbinding arbitration; providing legislative findings; amending s. 718.203, F.S.; including design professionals, architects, and engineers in a list of contractors granting warranties; amending s. 718.301, F.S.; revising language with respect to transfer of association control; creating s. 718.3026, F.S.; providing for written contracts for products and services; providing for bids; providing exceptions; amending s. 718.303, F.S.; providing for additional amounts to be recovered by a unit owner who prevails over the association under certain circumstances; increasing fines; amending s. 718.401, F.S.; providing a shorter term of lease with respect to certain condominiums; amending s. 718.501, F.S.; revising language with respect to the powers and duties of the Division of Florida Land Sales, Condominiums, and Mobile Homes; increasing fees; creating s. 718.5015, F.S.; creating an Office of Condominium Ombudsman within the division for administrative purposes; creating s. 718.5016, F.S.; providing for powers and duties of the ombudsman; creating s. 718.5017, F.S.; providing for compensation and expenses; creating s. 718.5018, F.S.; providing for the location of the ombudsman's office; creating s. 718.5019, F.S.; creating the Advisory Council on Condominiums; amending s. 718.502, F.S.; revising language with respect to filing prior to sale or lease; providing a fee; amending s. 718.503, F.S.; revising language with respect to disclosure prior to sale; amending s. 718.504, F.S.; revising language with respect to the prospectus or offering circular; amending s. 718.608, F.S.; requiring developers to file certain information with the division prior to delivering a notice of intended conversion; providing a fee; amending s. 718.618, F.S.; providing for additional reserve accounts; amending s. 719.106, F.S.; revising language with respect to bylaws of cooperatives; amending s. 721.13, F.S.; providing quorum requirements with respect to time-share condominiums or owners' associations; amending s. 721.05, F.S.; redefining the term "time-share estate"; providing for review and repeal; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1408** and by two-thirds vote read the second time by title. On motion by Senator Dudley, by two-thirds vote **CS for CS for HB 1465** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32      Nays—6

On motion by Senator Childers, by two-thirds vote **CS for HB 2089** was withdrawn from the Committee on Commerce.

On motions by Senator Childers, by two-thirds vote—

**CS for HB 2089**—A bill to be entitled An act relating to warranty associations; amending s. 627.6085, F.S.; providing circumstances under which written notice of cancellation is not required for health insurance policies; amending s. 627.7275, F.S.; requiring motor vehicle insurers to make available certain noncancellable liability coverage when necessary to reinstate an applicant's driving privilege; amending s. 627.7295, F.S.; limiting cancellation of new motor vehicle insurance policies; amending s. 627.311, F.S.; requiring the joint underwriting plan for motor vehicle insurance to make certain noncancellable liability coverage available; amending s. 627.733, F.S.; requiring a person reinstating personal injury protection insurance after certain suspension or revocation of driving privilege to also secure certain noncancellable liability coverage; providing for notice; amending s. 627.351, F.S.; requiring the motor vehicle insurance risk apportionment plan to make available certain noncancellable liability coverage; amending s. 627.736, F.S.; authorizing insurers to enter into preferred provider arrangements for benefits under personal injury protection policies and provide the insured with the option of using such preferred providers; amending s. 624.482, F.S.; providing for standards in determining whether rates are excessive, inadequate, or discriminatory; revising provisions relating to motor vehicle service agreement companies; amending s. 634.011, F.S.; revising and adding definitions; amending s. 634.031, F.S.; revising activities and entities subject to licensure; amending s. 634.041, F.S.; revising qualifications for licensure; creating s. 634.044, F.S.; providing requirements for assets and liabilities; amending s. 634.052, F.S.; revising deposit requirements; amending s. 634.061, F.S.; revising information required in application for licensure; amending s. 634.071, F.S.; providing for continuous licensing; amending s. 634.081, F.S.; revising grounds for the suspension and revocation of a license; creating s. 634.095, F.S.; prohibiting certain acts and providing for criminal penalties in addition to disciplinary action; amending s. 634.101, F.S.; providing for extended jurisdiction of the Department of Insurance in certain circumstances; amending s. 634.121, F.S.; revising the requirements for provisions in warranty forms and contracts; amending s. 634.1213, F.S.; providing additional grounds for the disapproval of forms and advertisements; amending s. 634.1216, F.S.; deleting certain exceptions relevant to rate filings; amending s. 634.131, F.S.; revising fine requirements with respect to filing of certain forms; amending s. 634.141, F.S.; providing for limited waiver of examination requirement; amending s. 634.171, F.S.; providing for licensure and appointment of salesmen; amending ss. 634.181, 634.191, 634.201, 634.211, 634.251, and 634.2515, F.S.; conforming terminology; creating s. 634.242, F.S.; providing for injunctive proceedings; amending s. 634.252, F.S.; deleting obsolete reference; creating s. 634.281, F.S.; providing that unfair trade practices are prohibited; revising provisions relating to home warranty associations; amending ss. 634.308, and 634.3123, F.S.; deleting limitations on home warranty renewals; amending s. 634.317, F.S.; providing for licensure and appointment of sales representatives; amending ss. 634.318, 634.319, 634.320, 634.321, 634.322, 634.3225, 634.323, 634.324, and 634.328, F.S.; conforming terminology; revising provisions relating to service warranty associations; amending s. 634.401, F.S.; revising definitions; amending s. 634.403, F.S.; providing for cease and desist orders; amending s. 634.404, F.S.; revising qualifications for license; amending s. 634.405, F.S.; deleting exception to deposit requirement; amending s. 634.406, F.S.; revising financial requirements; creating s. 634.4061, F.S.; providing for assets and liabilities; amending s. 634.407, F.S.; requiring additional information on applications; amending s. 634.408, F.S.; providing for continuous licensing; amending s. 634.409, F.S.; providing an additional ground for suspension or revocation of the license; amending s. 634.411, F.S.; providing for extended jurisdiction of the department under certain circumstances; amending s. 634.414, F.S.; revising cancellation refund provisions; amending s. 634.415, F.S.; providing for the disapproval of forms; amending s. 634.415, F.S.; providing a penalty for failure to timely file annual statements or quarterly reports; amending s. 634.419, F.S.; providing for the licensure and appointment of sales representatives; amending s. 634.420, F.S.; providing criteria for licensure; amending ss. 634.421, 634.422, 634.423, 634.424, 634.425, and 634.426, F.S.; conforming termi-

nology; amending s. 624.501, F.S.; providing for appointment fees for sales representatives of miscellaneous lines of insurance; amending s. 634.3123, F.S.; revising language with respect to disapproval of forms; saving chapter 634 from repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for **SB 1920** and by two-thirds vote read the second time by title.

Senator Myers moved **Amendment 1** which was adopted.

On motion by Senator Childers, by two-thirds vote **CS for HB 2089** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

**HB 905**—A bill to be entitled An act relating to Dade County; providing for the relief of Zona and Milton Mingo, to compensate Zona Mingo for her personal injuries and Milton Mingo, her husband, for the loss of consortium as a result of an accident by a county bus; providing for payment by the county; providing an effective date.

—was read the second time by title. On motion by Senator Meek, by two-thirds vote **HB 905** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36      Nays—None

**CS for HB 2327**—A bill to be entitled An act relating to Broward County; providing for the relief of Gerald Clearwater and Denise Clearwater, as personal representatives of the estate of Ryan Patrick Clearwater, deceased, and for the relief of Gerald Clearwater, individually, and Denise Clearwater, individually; directing the North Broward Hospital District to compensate them for the death of Ryan Patrick Clearwater as a result of the negligence of the North Broward Hospital District doing business as Broward General Medical Center; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote **CS for HB 2327** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29      Nays—2

On motions by Senator Malchon, by two-thirds vote **CS for HB 427** was withdrawn from the Committees on International Trade, Economic Development and Tourism; Commerce; and Governmental Operations.

On motion by Senator Malchon—

**CS for HB 427**—A bill to be entitled An act relating to clean indoor air; amending s. 386.202, F.S.; providing additional legislative intent; amending s. 386.203, F.S.; modifying definitions; amending s. 386.204, F.S.; modifying prohibition against smoking in a public place; requiring notification to violators of the prohibition against smoking in a public place; amending s. 386.205, F.S.; providing additional places that may not be designated as smoking areas; modifying requirements for designating a patient's room as a smoking area; eliminating exceptions to the square footage limitation for smoking areas in certain public places; providing for smoking areas in facilities having common areas; amending s. 386.206, F.S.; modifying authorization for certain discretionary signs; amending s. 386.207, F.S.; providing for enforcement; amending s. 386.208, F.S.; providing jurisdiction of county courts for purposes of the act; correcting a cross reference; creating s. 386.211, F.S.; making it unlawful to interfere with a person who reports certain violations; providing for enforcement; creating s. 386.212, F.S.; requiring public announcements in certain public transportation terminals that smoking is allowed only in designated areas; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 308** and read the second time by title.

Senator Malchon moved **Amendments 1 and 2** which were adopted.

On motion by Senator Malchon, by two-thirds vote **CS for HB 427** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31      Nays—3

The Senate resumed consideration of—

**CS for CS for HB 365**—A bill to be entitled An act relating to hunting and fishing; creating s. 372.105, F.S.; creating the Lifetime Fish and Wildlife Trust Fund; creating s. 372.106, F.S.; creating the Dedicated License Trust Fund; amending s. 372.561, F.S.; providing a fee to cover processing costs for lifetime or 5-year licenses; providing for remittance of funds; amending s. 372.57, F.S.; providing for a 5-year and lifetime sportsman's licenses for hunting and fishing; providing fees; amending s. 372.571, F.S.; revising language with respect to the expiration of licenses and stamps; providing reference to lifetime and 5-year licenses; amending s. 372.5712, F.S.; providing for the expenditure of certain revenues relating to waterfowl hunting privileges; amending s. 372.5715, F.S.; providing for the expenditure of certain revenues relating to turkey hunting privileges; amending s. 372.573, F.S.; providing for the expenditure of certain revenues relating to management area privileges; amending s. 372.60, F.S.; revising language with respect to the issuance of replacement licenses or stamps to include reference to lifetime and 5-year licenses; amending s. 372.661, F.S.; revising cross references with respect to private hunting preserve licenses; providing appropriations; amending s. 370.0605, F.S.; providing for a 5-year resident saltwater fishing license; providing a penalty; increasing certain fees; increasing the time period for paying certain civil penalties; providing fees; providing for the remittance of funds; providing for replacement licenses; amending s. 370.0608, F.S.; providing for the disposition of proceeds from 5-year licenses; creating s. 370.0615, F.S.; providing for lifetime saltwater fishing licenses; providing fees; amending s. 372.5717, F.S.; revising language with respect to Hunter Safety Program Requirements; providing effective dates.

—with pending **Amendment 12** which was withdrawn.

Senator Bruner moved **Amendments 13, 14, 15 and 16** which were adopted.

On motion by Senator Bruner, by two-thirds vote **CS for CS for HB 365** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31      Nays—None

On motions by Senator Davis, by two-thirds vote **CS for HB 193** was withdrawn from the Committees on Criminal Justice; and Finance, Taxation and Claims.

On motion by Senator Davis—

**CS for HB 193**—A bill to be entitled An act relating to games of chance; amending s. 849.0935, F.S.; providing definitions; authorizing certain organizations to conduct drawings by chance or raffles; authorizing requirement of payment of a fee or contribution; specifying use of proceeds; requiring maintenance of records; providing for inspection of records; limiting individuals who may participate in the conduct of games; prohibiting compensation to persons conducting such games; prohibiting use of mechanical or electrical devices or media; prohibiting drawings contingent on other contests; providing a conditional effective date.

—a companion measure, was substituted for **CS for CS for SB 812** and read the second time by title. On motion by Senator Davis, by two-thirds vote **CS for HB 193** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32      Nays—None

Consideration of **CS for SB 1022** was deferred.

## RECONSIDERATION

On motion by Senator Childers, the rules were waived and the Senate reconsidered the vote by which—

**CS for HB 2089**—A bill to be entitled An act relating to warranty associations; amending s. 627.6085, F.S.; providing circumstances under which written notice of cancellation is not required for health insurance policies; amending s. 627.7275, F.S.; requiring motor vehicle insurers to make available certain noncancellable liability coverage when necessary to reinstate an applicant's driving privilege; amending s. 627.7295, F.S.; limiting cancellation of new motor vehicle insurance policies; amending s. 627.311, F.S.; requiring the joint underwriting plan for motor vehicle insurance to make certain noncancellable liability coverage available; amending s. 627.733, F.S.; requiring a person reinstating personal injury protection insurance after certain suspension or revocation of driving privilege to also secure certain noncancellable liability coverage; provid-

ing for notice; amending s. 627.351, F.S.; requiring the motor vehicle insurance risk apportionment plan to make available certain noncancellable liability coverage; amending s. 627.736, F.S.; authorizing insurers to enter into preferred provider arrangements for benefits under personal injury protection policies and provide the insured with the option of using such preferred providers; amending s. 624.482, F.S.; providing for standards in determining whether rates are excessive, inadequate, or discriminatory; revising provisions relating to motor vehicle service agreement companies; amending s. 634.011, F.S.; revising and adding definitions; amending s. 634.031, F.S.; revising activities and entities subject to licensure; amending s. 634.041, F.S.; revising qualifications for licensure; creating s. 634.044, F.S.; providing requirements for assets and liabilities; amending s. 634.052, F.S.; revising deposit requirements; amending s. 634.061, F.S.; revising information required in application for licensure; amending s. 634.071, F.S.; providing for continuous licensing; amending s. 634.081, F.S.; revising grounds for the suspension and revocation of a license; creating s. 634.095, F.S.; prohibiting certain acts and providing for criminal penalties in addition to disciplinary action; amending s. 634.101, F.S.; providing for extended jurisdiction of the Department of Insurance in certain circumstances; amending s. 634.121, F.S.; revising the requirements for provisions in warranty forms and contracts; amending s. 634.1213, F.S.; providing additional grounds for the disapproval of forms and advertisements; amending s. 634.1216, F.S.; deleting certain exceptions relevant to rate filings; amending s. 634.131, F.S.; revising fine requirements with respect to filing of certain forms; amending s. 634.141, F.S.; providing for limited waiver of examination requirement; amending s. 634.171, F.S.; providing for licensure and appointment of salesmen; amending ss. 634.181, 634.191, 634.201, 634.211, 634.251, and 634.2515, F.S.; conforming terminology; creating s. 634.242, F.S.; providing for injunctive proceedings; amending s. 634.252, F.S.; deleting obsolete reference; creating s. 634.281, F.S.; providing that unfair trade practices are prohibited; revising provisions relating to home warranty associations; amending ss. 634.308, and 634.3123, F.S.; deleting limitations on home warranty renewals; amending s. 634.317, F.S.; providing for licensure and appointment of sales representatives; amending ss. 634.318, 634.319, 634.320, 634.321, 634.322, 634.3225, 634.323, 634.324, and 634.328, F.S.; conforming terminology; revising provisions relating to service warranty associations; amending s. 634.401, F.S.; revising definitions; amending s. 634.403, F.S.; providing for cease and desist orders; amending s. 634.404, F.S.; revising qualifications for license; amending s. 634.405, F.S.; deleting exception to deposit requirement; amending s. 634.406, F.S.; revising financial requirements; creating s. 634.4061, F.S.; providing for assets and liabilities; amending s. 634.407, F.S.; requiring additional information on applications; amending s. 634.408, F.S.; providing for continuous licensing; amending s. 634.409, F.S.; providing an additional ground for suspension or revocation of the license; amending s. 634.411, F.S.; providing for extended jurisdiction of the department under certain circumstances; amending s. 634.414, F.S.; revising cancellation refund provisions; amending s. 634.4145, F.S.; providing for the disapproval of forms; amending s. 634.415, F.S.; providing a penalty for failure to timely file annual statements or quarterly reports; amending s. 634.419, F.S.; providing for the licensure and appointment of sales representatives; amending s. 634.420, F.S.; providing criteria for licensure; amending ss. 634.421, 634.422, 634.423, 634.424, 634.425, and 634.426, F.S.; conforming terminology; amending s. 624.501, F.S.; providing for appointment fees for sales representatives of miscellaneous lines of insurance; amending s. 634.3123, F.S.; revising language with respect to disapproval of forms; saving chapter 634 from repeal; providing for future review and repeal; providing an effective date.

—passed as amended this day.

On motion by Senator Childers, by two-thirds vote the Senate reconsidered the vote by which **CS for HB 2089** was read the third time.

On motion by Senator Childers, the Senate reconsidered the vote by which **Amendment 1** was adopted. By permission, **Amendment 1** was withdrawn.

On motion by Senator Childers, by two-thirds vote **CS for HB 2089** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35      Nays—None

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, April 26, 1991: SB 1482, CS for SB 2004, SB 214, CS for CS for SB 1408, CS for CS for SB

1820, CS for CS for SB 1796, CS for SB's 1300 and 1688, CS for SB 1582, CS for SB 1732, SB 2146, CS for CS for HB 365, SB 1676, CS for SB 1322, CS for SB 1776, SB 1920, CS for HB's 343, 759, 1139 and 2073, SB 234, CS for SB's 1216 and 1224, HB 243, CS for HB 375, CS for HB 613, HB 905, CS for HB 2327, CS for CS for SB 308, CS for CS for SB 812, CS for SB 1022

Respectfully submitted,  
Pat Thomas, Chairman

The Committee on Finance, Taxation and Claims recommends the following pass: HB 747

**The bill was referred to the Committee on Appropriations under the original reference.**

The Committee on Finance, Taxation and Claims recommends the following pass: HB 2473, HB 2607

**The bills were placed on the calendar.**

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: CS for SB 1522

**The bill with committee substitute attached was placed on the calendar.**

## EXECUTIVE BUSINESS

*The Honorable Gwen Margolis*  
President, The Florida Senate

April 26, 1991

Dear Madam President:

The following executive appointments were referred to the Senate Committee on Executive Business, Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

	Office and Appointment	For Term Ending
Board of Accountancy	Appointees: Baumann, John P., Jr. MacNamara, David C.	12/26/94 12/26/94
Secretary of Administration	Appointee: Pieno, John A.	Pleasure of Governor
Board of Architecture and Interior Design	Appointee: Cross, Timothy D.	12/17/94
State Athletic Commission	Appointee: Resnick, James	09/30/94
Florida Board of Auctioneers	Appointee: Trollinger, Arthur L.	09/30/94
Secretary of Business Regulation	Appointee: Ferris, Janet E.	Pleasure of Governor
Board of Chiropractic	Appointee: Glisson, James R.	08/01/94
Florida Citrus Commission	Appointees: Huff, James E. Minton, John L. Roe, Quentin James Sorrells, Howard E. Truitt, George W.	05/31/94 05/31/94 05/31/94 05/31/93 05/31/94
Hillsborough County Civil Service Board	Appointees: Curry, Ellis Rex Wiggins, Arthur W.	07/02/91 07/02/93
Secretary of Commerce	Appointee: Farmer, Greg	Pleasure of Governor
Secretary of Community Affairs	Appointee: Sadowski, William E.	Pleasure of Governor

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Trustees of Brevard Community College Appointee: Simpkins, Bernard W.	05/31/94	Appointee: Thompson, Anthony C.	12/10/93
Board of Trustees of Central Florida Community College Appointees: Bogosta, June D. Roberts, Fred N.	05/31/94 05/31/94	Electrical Contractors' Licensing Board Appointee: Gillman, Ed	12/17/94
Board of Trustees of Edison Community College Appointees: Goodlette, J. Dudley Taylor, Linda Kay	05/31/94 05/31/93	Board of Professional Engineers Appointee: Palm, William H.	12/20/94
Board of Trustees of Florida Community College at Jacksonville Appointee: Cook, Betty P.	05/31/94	Secretary of Environmental Regulation Appointee: Browner, Carol M.	Pleasure of Governor
Board of Trustees of Gulf Coast Community College Appointee: Tapper, Amelia G.	05/31/94	Tampa-Hillsborough County Expressway Authority Appointee: Blain, Laura C.	07/01/94
Board of Trustees of Hillsborough Community College Appointee: Ringhaver, Lance	05/31/94	Game and Fresh Water Fish Commission Appointee: Rowe, James Ben, Jr.	01/04/96
Board of Trustees of Lake City Community College Appointees: Bennink, Donald T. Varnes, Thomas D. Williams, Louis, Jr.	05/31/94 05/31/94 05/31/94	Board of Professional Geologists Appointees: Herbert, Thomas A. Randazzo, Anthony F.	09/30/94 09/30/94
Board of Trustees of Lake-Sumter Community College Appointees: Bartch, Dale E. Spencer, Kendall	05/31/94 05/31/94	Florida Housing Finance Agency Appointees: Ecclestone, E. Llwyd, Jr. Ramsey, William J. Stevens, Thomas A.	11/13/94 11/13/94 11/13/94
Board of Trustees of Miami-Dade Community College Appointee: Wolfson, Louis III	05/31/94	State Board of Independent Colleges and Universities Appointees: Peterson, Andy Ross, Donald E.	09/30/93 09/30/93
Board of Trustees of Okaloosa-Walton Community College Appointees: Arpke, Eileen H. Ignasiak, Robert L. Williams, Irvin J.	05/31/94 05/31/94 05/31/93	State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools Appointees: Lima, Judy Pace, Joseph S.	07/01/91 07/01/92
Board of Trustees of Pensacola Junior College Appointee: Adams, Bett Yates	05/31/94	Southeast Interstate Low-Level Radioactive Waste Management Commission Appointee: Clark, Mary E.	Pleasure of Governor
Board of Trustees of Polk Community College Appointee: Hooks, Hollis H.	05/31/94	Secretary of Labor and Employment Security Appointee: Scruggs, Frank	Pleasure of Governor
Board of Trustees of St. Johns River Community College Appointee: Miller, Thomas A.	05/31/94	Board of Professional Land Surveyors Appointee: Richardson, Raymond E.	12/06/94
Board of Trustees of St. Petersburg Junior College Appointee: Williams, Mac J., Sr.	05/31/94	Secretary of the Department of the Lottery Appointee: Mann, Marcia	Pleasure of Governor
Board of Trustees of Santa Fe Community College Appointee: Woody, Robert L.	05/31/94	Marine Fisheries Commission Appointees: Foti, George L. Newberger, Mitchell A.	08/01/91 08/01/94
Board of Trustees of Seminole Community College Appointee: Russell, D. Lee	05/31/94	Board of Medicine Appointee: Dauer, Edward A.	08/01/94
Board of Trustees of Valencia Community College Appointee: Tompkins, Marcia K.	05/31/94	Board of Nursing Appointee: Johnson, Patricia A.	08/01/94
Construction Industry Licensing Board Appointees: Lopez-Cantera, Carlos C. Nagin, Robert D. Tate, J. Kenneth	09/30/94 09/30/94 09/30/94	Board of Nursing Home Administrators Appointees: Paulson, Joni K. Phillips, David H.	12/13/94 12/13/94
Board of Correctional Education Appointees: Haggis, Arthur George Thompson, Paul D.	07/01/94 07/01/94	Board of Opticianry Appointee: Morse, Manty Sabates	12/26/93
State of Florida Correctional Medical Authority Appointee: Conzemius, James D.	09/30/91	Board of Optometry Appointee: Lewis, John B.	12/28/94
Secretary of Corrections Appointee: Singletary, Harry K., Jr.	Pleasure of Governor	Florida Pari-mutuel Commission Appointee: Brown, Berton L.	06/30/94
Board of Trustees for the Florida School for the Deaf and the Blind Appointee: Proctor, William Lee	11/14/94	Parole Commission Appointee: Simmons, Kenneth W.	10/06/95
Board of Dentistry Appointee: Robinson, William F.	10/01/94	Board of Pharmacy Appointees: Inge, Leonard L. Mora, Juan	08/01/94 08/01/94
Florida Elections Commission		Board of Physical Therapy Practice	

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Appointee: Lindeblad, Susan Kenville	10/01/92	Williams, James H.	03/01/95
Board of Pilot Commissioners		Governing Board of the South Florida Water Management District	
Appointees: Crongeyer, Esther J.	06/30/94	Appointees: Betancourt, Annie	03/01/95
Zapf, John T.	06/30/91	Mann, Franklin	03/01/95
Jacksonville Port Authority		Milledge, Allan	03/01/95
Appointee: Ringhaver, Randal L.	09/30/94	Schad, Leah G.	03/01/95
Tampa Port Authority		Williamson, Frank, Jr.	03/01/95
Appointee: Garcia, Joseph	11/14/94	Governing Board of the Southwest Florida Water Management District	
Postsecondary Education Planning Commission		Appointees: Black, Charles A.	03/01/95
Appointees: Kerrigan, Robert G.	02/04/94	Campo, R. F.	03/01/92
Taylor, Robert M.	02/04/94	Cox, James L.	03/01/93
Prepaid Postsecondary Education Expense Board		Davis, Joe L., Jr.	03/01/92
Appointee: Tate, Stanley G.	06/30/93	Hamner, John T.	03/01/92
Secretary of Professional Regulation		Harrell, Roy G., Jr.	03/01/94
Appointee: Stuart, George, Jr.	Pleasure of Governor	Law, Curtis L.	03/01/95
Florida Public Service Commission		Roehr, Rita J.	03/01/93
Appointees: Deason, J. Terry	01/01/95	Thompson, Sarah Ann	03/01/93
Gunter, Gerald Leon	01/01/95	Coastal Rivers Basin Board of the Southwest Florida Water Management District	
Commission for Purchase from the Blind or Other Severely Handicapped		Appointee: Graziul, Stanley L.	03/01/92
Appointees: Coloney, Wayne H.	10/01/93	Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District	
Moore, Louis	10/01/93	Appointee: Getting, Paul L.	03/01/93
Board of Regents		Withlacoochee River Basin Board of the Southwest Florida Water Management District	
Appointees: Moyle, Jon C.	01/01/97	Appointee: McCrimmon, Steve F.	03/01/93
Wolf, Ross A.	09/01/91	Governing Board of the Suwannee River Water Management District	
North Central Florida Regional Planning Council, Region 3		Appointees: Close, Boyd W.	03/01/95
Appointee: Sullivan, Morris N.	10/01/92	Demott, Herbert G.	03/01/95
East Central Florida Regional Planning Council, Region 6		Griner, Lynetta Usher	03/01/95
Appointee: DeLuca, Stephen B.	10/01/93	Sedmera, J. Frank, Jr.	03/01/95
Southwest Florida Regional Planning Council, Region 9		Starnes, Earl M.	03/01/95
Appointees: Crouse, John L.	10/01/92	As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.	
D'Andrea, Thomas	10/01/92	After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee, by a separate vote as to each appointee, respectfully advises and recommends:	
State Retirement Commission		(1) That the executive appointments of the above-named appointees, to the office and for the term indicated, be <i>confirmed</i> by the Senate.	
Appointee: Goldenberg, Stanley F.	12/31/94	(2) That Senate action on said appointments be taken prior to the adjournment of the 1991 Regular Session.	
Board of Trustees of the John and Mable Ringling Museum of Art		(3) That there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.	
Appointees: Dodson, Dorothy C.	07/05/93	Respectfully submitted,	
Meyer, Judith S.	11/05/94	Arnett E. Girardeau, Chairman	Mary R. Grizzle
Board of Speech-Language Pathology and Audiology		Robert Wexler, Vice Chairman	Lawrence H. Plummer
Appointee: Walker, Virginia G.	09/30/92	Richard T. Crotty	Eleanor Weinstock
Secretary of Transportation		Fred R. Dudley	
Appointee: Watts, Ben G.	Pleasure of Governor	Senator Plummer called for a division of the question to remove the appointment of Thomas A. Stevens as a member of the Florida Housing Finance Agency from the report. The motion failed. The vote was:	
Florida Transportation Commission		Yeas—10 Nays—24	
Appointees: Mixson, Wayne	09/30/94	On motion by Senator Girardeau, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated, in accordance with the recommendations of the committee. The vote was:	
Reece, Phil	09/30/94		
Florida Commission on Veterans' Affairs			
Appointee: Saylor, Henry B.	11/16/94		
Board of Veterinary Medicine			
Appointee: Courtelis, Louise H.	08/01/94		
Governing Board of the Northwest Florida Water Management District			
Appointees: Eubanks, Bennett T. III	03/01/95		
Fletcher, E. Hentz, Jr.	03/01/95		
Griswold, M. Copeland	03/01/95		
Howell, Robert L.	03/01/95		
Willson, George W.	03/01/95		
Governing Board of the St. Johns River Water Management District			
Appointees: Harden, Patricia T.	03/01/95		
Hill, Joe E.	03/01/95		
Parrish, J. J. III	03/01/95		



Yeas—36      Nays—2

**EXPLANATION OF VOTE**

Had the question been divided, I only would have voted against Thomas Stevens as a member of the Housing Finance Agency.

*Jack D. Gordon, 35th District*

**VOTES RECORDED**

Senator Weinstock was recorded as voting no on the following appointments: Board of Accountancy; Baumann, John P., Jr. and MacNamara, David C.; Board of Architecture and Interior Design; Cross, Timothy D.; State Athletic Commission; Resnick, James; Florida Board of Auctioneers; Trollinger, Arthur L.; Board of Chiropractic; Glisson, James R.; Hillsborough County Civil Service Board; Curry, Ellis Rex and Wiggins, Arthur W.; Board of Trustees of Brevard Community College; Simpkins, Bernard W.; Board of Trustees of Central Florida Community College; Bogosta, June D. and Roberts, Fred N.; Board of Trustees of Edison Community College; Goodlette, J. Dudley and Taylor, Linda Kay; Board of Trustees of Florida Community College at Jacksonville; Cook, Betty P.; Board of Trustees of Gulf Coast Community College; Tapper, Amelia G.; Board of Trustees of Hillsborough Community College; Ringhaver, Lance; Board of Trustees of Lake-Sumter Community College; Bartch, Dale E. and Spencer, Kendall; Board of Trustees of Miami-Dade Community College; Wolfson, Louis III; Board of Trustees of Okaloosa-Walton Community College; Arpke, Eileen H., Ignasiak, Robert L. and Williams, Irvin J.; Board of Trustees of Pensacola Junior College; Adams, Bett Yates; Board of Trustees of Polk Community College; Hooks, Hollis H.; Board of Trustees of St. Johns River Community College; Miller, Thomas A.; Board of Trustees of St. Petersburg Junior College; Williams, Mac J., Sr.; Board of Trustees of Santa Fe Community College; Woody, Robert L.; Board of Trustees of Seminole Community College; Russell, D. Lee; Board of Trustees of Valencia Community College; Tompkins, Marcia K.; Construction Industry Licensing Board; Lopez-Cantera, Carlos C., Nagin, Robert D. and Tate, J. Kenneth; Board of Correctional Education; Haggis, Arthur George and Thompson, Paul D.; State of Florida Correctional Medical Authority; Conzemius, James D.; Board of Trustees for the Florida School for the Deaf and the Blind; Proctor, William Lee; Board of Dentistry; Robinson, William F.; Florida Elections Commission; Thompson, Anthony C.; Electrical Contractors' Licensing Board; Gillman, Ed; Board of Professional Engineers; Palm, William H.; Tampa-Hillsborough County Expressway Authority; Blain, Laura C.; Board of Professional Geologists; Herbert, Thomas A. and Randazzo, Anthony F.; Florida Housing Finance Agency; Ecclestone, E. Llwyd, Jr., Ramsey, William J. and Stevens, Thomas A.; State Board of Independent Colleges and Universities; Peterson, Andy and Ross, Donald E.; State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; Lima, Judy and Pace, Joseph S.; Board of Professional Land Surveyors; Richardson, Raymond E.; Marine Fisheries Commission; Foti, George L. and Newberger, Mitchell A.; Board of Medicine; Dauer, Edward A.; Board of Nursing; Johnson, Patricia A.; Board of Nursing Home Administrators; Paulson, Joni K. and Phillips, David H.; Board of Opticianry; Morse, Manty Sabates; Board of Optometry; Lewis, John B.; Florida Pari-mutuel Commission; Brown, Berton L.; Parole Commission; Simmons, Kenneth W.; Board of Pilot Commissioners; Crongeyer, Esther J. and Zapf, John T.; Jacksonville Port Authority; Ringhaver, Randal L.; Postsecondary Education Planning Commission; Kerrigan, Robert G. and Taylor, Robert M.; Prepaid Postsecondary Education Expense Board; Tate, Stanley G.; Commission for Purchase from the Blind or Other Severely Handicapped; Coloney, Wayne H. and Moore, Louis; North Central Florida Regional Planning Council, Region 3; Sullivan, Morris N.; East Central Florida Regional Planning Council, Region 6; DeLuca, Stephen B.; Southwest Florida Regional Planning Council, Region 9; Crouse, John L. and D'Andrea, Thomas; State Retirement Commission; Goldenberg, Stanley F.; Board of Trustees of the John and Mable Ringling Museum of Art; Dodson, Dorothy C. and Meyer, Judith S.; Board of Speech-Language Pathology and Audiology; Walker, Virginia G.; Florida Transportation Commission; Mixson, Wayne and Reece, Phil; Florida Commission on Veterans' Affairs; Saylor, Henry B.; Board of Veterinary Medicine; Courtelis, Louise H.; Coastal Rivers Basin Board of the Southwest Florida Water Management District; Graziul, Stanley L.; Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District; Getting, Paul L.; Withlacoochee River Basin Board of the Southwest Florida Water Management District; McCrimmon, Steve F.

**EXPLANATION OF VOTE**

I have voted "no" on the preceding list of names because the appointments were submitted by the previous Governor.

*Eleanor Weinstock, 26th District*

*The Honorable Gwen Margolis*  
President, The Florida Senate

April 26, 1991

Dear Madam President:

The following executive appointments were referred to the Senate Committee on Executive Business, Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Harbormaster for the Port of New Smyrna Beach Appointee: Ridgdill, J. Richard	02/19/91
Florida High Speed Rail Transportation Commission Appointee: Dockery, C. C.	06/30/94
Health Care Cost Containment Board Appointee: Tidikis, Frank	01/01/91
State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools Appointee: Izquierdo, Maria R.	07/01/90
Board of Landscape Architecture Appointee: Magiera, Randall J.	03/04/91
Board of Nursing Home Administrators Appointee: Adams, Albert L.	12/13/93
Board of Optometry Appointee: Day, Robert W.	12/28/94
Historic Broward County Preservation Board of Trustees Appointee: O'Hare, Dorothy L.	11/01/93
Historic Pensacola Preservation Board of Trustees Appointee: Smith, Lester A.	02/09/94
Florida Public Service Commission Appointee: Messersmith, Frank S.	01/01/91
East Central Florida Regional Planning Council, Region 6 Appointee: Wright, Kenneth W.	10/01/92
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District Appointee: McManus, R. Bruce	03/01/91

The Senate Committee on Executive Business, Ethics and Elections has failed to consider these appointments because the committee finds that:

- the terms of Maria R. Izquierdo, R. Bruce McManus, Randall J. Magiera, Frank S. Messersmith, J. Richard Ridgdill and Frank Tidikis have expired;
- the following persons have resigned: Albert L. Adams, effective 7/26/90; Robert W. Day, effective 3/6/91; C. C. Dockery, effective 11/15/90; and Kenneth W. Wright, effective 12/6/90; and
- the historic preservation boards to which Lester Smith and Dorothy O'Hare were appointed were repealed effective October 1, 1990, by s. 1, Ch. 82-46, Laws of Florida, as amended by s. 2, Ch. 83-265, Laws of Florida.

Based on the foregoing, the Senate Committee on Executive Business, Ethics and Elections respectfully advises and recommends that:

- the Senate fail to consider the appointments during the 1991 Regular Session.
- the failure to consider the appointments be noted in the pages of the Journal of the Senate in accordance with s. 114.05(1)(e), Florida Statutes.

Respectfully submitted,

*Arnett E. Girardeau, Chairman*  
*Robert Wexler, Vice Chairman*  
*Richard T. Crotty*  
*Fred R. Dudley*

*Mary R. Grizzle*  
*Lawrence H. Plummer*  
*Eleanor Weinstock*

On motion by Senator Girardeau, the report was adopted and the Senate failed to consider the appointments identified in the foregoing report of the committee to the offices and for the terms indicated, in accordance with the recommendations of the committee.

## REQUESTS FOR EXTENSION OF TIME

April 26, 1991

The Committee on Agriculture requests an extension of 15 days for consideration of the following: Senate Bills 340, 1194, 2106, 2132; House Bills 389, 1119, 1351

The Committee on Commerce requests an extension of 15 days for consideration of the following: Senate Bills 4, 22, 50, 88, 176, 222, 288, 314, 326, 334, 338, 346, 362, 364, 374, 428, 466, 534, 546, 574, 628, 664, 666, 690, 716, 750, 762, 766, 780, 792, 814, 916, 924, 930, 936, 990, 1006, 1016, 1020, 1102, 1110, 1134, 1136, 1154, 1214, 1220, 1222, 1228, 1254, 1284, 1334, 1358, 1360, 1372, 1442, 1456, 1458, 1512, 1538, 1546, 1558, 1598, 1600, 1628, 1650, 1696, 1706, 1718, 1734, 1742, 1752, 1816, 1826, 1840, 1848, 1856, 1866, 1870, 1872, 1882, 1884, 1916, 1918, 1934, 1942, 1946, 1970, 2006, 2020, 2050, 2080, 2092, 2148, 2150, 2208, 2262, 2284, 2290, 2296, 2354, 2366; House Bills 115, 255, 841, 843, 961, 977, 1061, 1233, 1401, 1519, 1863, 1891, 2435, 2437, 2469, 2557

The Committee on Community Affairs requests an extension of 15 days for consideration of the following: Senate Bills 6, 208, 370, 470, 496, 526, 862, 1008, 1018, 1032, 1130, 1210, 1218, 1474, 1480, 1486, 1510, 1520, 1528, 1550, 1556, 1638, 1666, 1728, 1738, 1748, 1808, 1874, 1952, 1954, 1988, 2034, 2046, 2122, 2160, 2164, 2178, 2204, 2238; House Bills 297, 2233, 2567

The Committee on Corrections, Probation and Parole requests an extension of 15 days for consideration of the following: Senate Bills 784, 896, 2140; House Bills 95, 415, 1839, 2131

The Committee on Criminal Justice requests an extension of 15 days for consideration of the following: Senate Bills 86, 110, 126, 128, 136, 242, 368, 378, 520, 542, 742, 756, 984, 1082, 1230, 1240, 1242, 1244, 1338, 1412, 1534, 1540, 1630, 1798, 2052, 2088, 2124, 2142, 2206, 2226, 2278, 2348; House Bills 119, 485, 889, 1019, 1363, 1925

The Committee on Education requests an extension of 15 days for consideration of the following: Senate Bills 24, 166, 172, 278, 360, 474, 492, 650, 744, 776, 850, 874, 1054, 1060, 1156, 1388, 1452, 1544, 1730, 1790, 1912, 1992, 2038, 2180, 2190, 2232, 2268; House Bills 279, 603, 765, 787, 867, 1009, 1111, 1299, 1527, 1585, 1683, 2283, 2287, 2323, 2455, 2477, 2483, 2485

The Committee on Executive Business, Ethics and Elections requests an extension of 15 days for consideration of the following: Senate Bills 16, 44, 48, 188, 190, 294, 392, 736, 794, 816, 830, 1078, 1172, 1184, 1204, 1294, 1406, 1508, 1684, 1764, 1842, 2222, 2270; House Bills 247, 673, 1031, 2471

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following: Senate Bills 92, 108, 342, 444, 450, 614, 746, 768, 820, 826, 932, 996, 1212, 1404, 1562, 1608, 1678, 1828, 1940, 2060, 2076, 2096, 2166, 2196; House Bill 2417

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following: Senate Bills 312, 372, 400, 592, 682, 696, 846, 876, 1052, 1112, 1374, 1476, 1500, 1844, 1974, 2066; House Bills 441, 881, 1025, 1057, 1487, 1719, 2431, 2563

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following: Senate Bills 396, 478, 1208, 1326, 1350, 1366, 1382, 1392, 1606, 1616, 1810, 1868, 1922, 1958, 1982, 2258, 2350; House Bills 377, 529, 1161, 1883, 2259

The Committee on Health and Rehabilitative Services Reorganization requests an extension of 15 days for consideration of the following: Senate Bills 82, 112, 2202, 2356

The Committee on Health and Rehabilitative Services Subcommittee on Health Care requests an extension of 15 days for consideration of the following: Senate Bills 66, 580, 1434, 1560, 1794, 1878, 2008, 2012, 2044, 2110, 2298

The Committee on International Trade, Economic Development and Tourism requests an extension of 15 days for consideration of the following: Senate Bills 300, 540, 1318, 1450, 2032, 2198, 2256

The Committee on Judiciary requests an extension of 15 days for consideration of the following: Senate Bills 320, 432, 714, 752, 758, 786, 838, 870, 886, 910, 946, 948, 952, 958, 982, 1012, 1076, 1150, 1190, 1256, 1262, 1278, 1280, 1296, 1320, 1332, 1390, 1438, 1470, 1494, 1526, 1740, 1746, 1762, 1800, 1814, 1818, 1846, 1854, 1858, 1880, 1908, 1928, 1978, 1994, 2048, 2078, 2100, 2174, 2184, 2200, 2266, 2274, 2288, 2308, 2358, 2362; House Bills 81, 163, 497, 633, 683, 795, 1207, 2231

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following: Senate Bills 8, 56, 146, 248, 282, 490, 618, 680, 700, 788, 824, 832, 834, 852, 928, 934, 1064, 1108, 1162, 1174, 1178, 1232, 1248, 1268, 1310, 1364, 1420, 1484, 1502, 1566, 1574, 1584, 1656, 1674, 1754, 1812, 1830, 1900, 1960, 1968, 2056, 2068, 2134, 2188, 2192, 2248, 2338, 2364, 2412; House Bills 139, 325, 541, 543, 1765, 2265

The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for consideration of the following: Senate Bills 80, 336, 452, 648, 798, 1276, 1370, 1466, 1588, 1744, 1750, 1778, 1864, 2104, 2156; House Bills 1211, 2409, 2457

The Committee on Professional Regulation requests an extension of 15 days for consideration of the following: Senate Bills 244, 500, 844, 858, 884, 888, 1066, 1272, 1418, 1590, 1948, 1990, 2162, 2216, 2310; House Bills 571, 635, 1035, 1147, 2413, 2565

The Committee on Reapportionment requests an extension of 15 days for consideration of the following: Senate Bills 566, 568, 2244

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following: Senate Bills 42, 148, 164, 196, 198, 220, 290, 328, 652, 684, 732, 774, 802, 808, 890, 898, 914, 940, 1340, 1410, 1506, 1596, 1722, 1788, 1944, 2282, 2312, 2314, 2316, 2318, 2320, 2322, 2324, 2326, 2328, 2330, 2332, 2334, 2336, 2444; House Bills 335, 989, 1483, 1503, 1841, 2295

The Special Master on Claims requests an extension of 15 days for consideration of the following: Senate Bills 218, 548, 730, 944, 1202, 1288

The Committee on Transportation requests an extension of 15 days for consideration of the following: Senate Bills 34, 170, 330, 402, 502, 506, 712, 1068, 1072, 1394, 1564, 1690, 1700, 1998, 2138; House Bill 935

## INTRODUCTION AND REFERENCE OF BILLS

## First Reading

**SR 2482** was introduced out of order and adopted April 19.

**SR 2484** was introduced out of order and adopted April 22.

**SR 2486** was introduced out of order and adopted April 22.

By Senator Gardner—

**SB 2488**—A bill to be entitled An act relating to the North Brevard County Hospital District; amending s. 2, ch. 28924, Laws of Florida, 1953, as amended; revising the method of appointment of certain members of the governing body of the district; amending s. 16, ch. 28924, 1953, Laws of Florida, as created by s. 1, ch. 81-347, Laws of Florida; providing additional requirements for the transfer of assets of the hospital district; requiring a sale of hospital facilities be approved by a vote of the electors; providing notice requirements prior to any such vote; authorizing the hospital board to establish, operate, and support a not-for-profit support corporation to further the purposes of the hospital district; specifying certain conditions and limitations on the expenditure of funds by the hospital board for the benefit of the support corporation; requiring records and meetings of the support corporation to be open to the public unless otherwise exempt; requiring the support corporation to make certain reports; providing membership requirements for the support corporation's directors; providing certain limitations on actions of the support corporation; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

**SR 2490** was introduced out of order and adopted April 25.

**SR 2492** was introduced out of order and adopted April 25.

**SR 2494** was introduced out of order and adopted April 25.

**SR 2496** was introduced out of order and adopted this day.

**SR 2498** was introduced out of order and adopted this day.

## FIRST READING OF COMMITTEE SUBSTITUTES

By the Committees on Finance, Taxation and Claims; Community Affairs; and Senators Kiser, Gardner, Brown, Crotty, Dudley, Grant, Jennings, Kirkpatrick, Malchon, Meek, Plummer, Thurman, Beard, Wexler and Souto—

**CS for CS for SB 1522**—A bill to be entitled An act relating to local government revenue sources; providing legislative intent; providing definitions; providing applicability; providing standards and requirements for impact fee ordinances; providing for credits in calculating impact fees; providing for earmarking and expenditure of collected impact fees; providing refunds; providing for intergovernmental agreements between local governments to jointly impose impact fees and construct capital improvements; providing that the act does not apply to existing ordinances that impose impact fees for capital improvements; requiring ordinances adopted or substantively amended after the effective date of the act to comply with the act; providing that the act does not apply to certain electric utility impact fees; amending s. 192.001, F.S.; providing standards for determining substantial completion of an improvement to real personal property; creating s. 192.039, F.S.; providing for assessment and taxation of certain real property on a partial-year assessment roll; creating s. 192.044, F.S.; exempting tangible personal property from partial-year assessment; providing for assessment and taxation of certain tangible personal property on a partial-year assessment roll under certain circumstances; providing for the assessment of certain railroad property for a partial year; amending s. 192.042, F.S.; providing for the day of assessment; providing for reimbursement of tax collectors for preparation of the initial partial-year assessment rolls; amending s. 193.052, F.S.; providing for partial-year tax returns; providing certain notice requirements of filing deadlines and penalties; amending s. 193.062, F.S.; providing a date for filing of returns; amending s. 193.114, F.S.; providing for preparation of partial-year rolls; amending s. 195.027, F.S.; requiring partial-year returns by agency rule; amending s. 196.011, F.S.; providing a requirement for application for exemption for property listed on a partial-year assessment roll; amending s. 197.3635, F.S.; specifying information to be included on notice for partial-year taxes and assessments; creating s. 200.0701, F.S.; requiring notice of partial-year assessment; requiring inclusion of partial-year 1991 property on 1992 rolls; providing for severability; amending s. 212.054, F.S.; removing certain exemptions; amending s. 212.055, F.S.; removing time limitations for levying infrastructure surtax; allowing imposition of surtax under certain conditions; imposing additional requirements on expenditures; allowing municipalities to levy infrastructure surtax; amending ss. 218.61, 218.62, 218.65, F.S.; creating s. 218.66, F.S.; providing for distribution of county revenue sharing to small counties; amending s. 336.021, F.S.; allowing levy of motor fuel and special fuel tax by vote of county commission; providing for severability; providing an effective date.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Gardner, by two-thirds vote **CS for SB 524** was withdrawn from the Committee on Appropriations.

On motions by Senator Gardner, by two-thirds vote **Senate Bills 256, 986, 1004, CS for SB 1158, CS for SB 926 and CS for SB 1530** were withdrawn from the Committee on Appropriations.

## MOTION

On motion by Senator Thomas, by two-thirds vote **SB 1646** was placed on the special order calendar to be considered following **CS for SB 1776**.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

## First Reading

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed **CS for HB 47, CS for HB 169, CS for HB 275, CS for HB 323, CS for HB 469, CS for HB's 525 and 1555, CS for CS for HB 819, CS for HB 823, HB 1001, CS for HB 1173, CS for CS for HB 1231, CS for HB 1293, CS for CS for HB 1385, CS for HB 1491, CS for HB 1615, CS for CS for HB 1785, CS for HB 1823, CS for HB 1831, HB 2531; has passed as amended HB 27, CS for HB 155, CS for HB 175, HB 219, CS for HB 359, CS for HB 463, HB 553, HB 621, CS for HB 663, CS for CS for HB 685, HB 901, CS for HB 985, CS for CS for HB's 997 and 1701, CS for HB 1027, CS for HB 1135, HB 1203, HB 1261, CS for HB 1313, CS for HB 1319, CS for CS for HB 1431, CS for CS for HB 1465, CS for HB 1513,**

**HB 1537, HB 1609, HB 1625, CS for HB 1637, CS for HB 1665, CS for HB's 1725 and 1875, CS for HB 1747, HB 1857, HB 1907, CS for CS for HB 2029, CS for HB 2089, HB 2321, HB 2411, HB 2467, HB 2509; has passed as amended by the required constitutional three-fifths vote of the membership HJR 191; has adopted HM 2673 and requests the concurrence of the Senate.**

*John B. Phelps, Clerk*

By the Committee on Judiciary and Representative Lewis and others—

**CS for HB 47**—A bill to be entitled An act relating to fines and court costs; amending s. 215.322, F.S.; providing for payment by credit card or bank debit card; providing for rules; amending s. 218.31, F.S.; conforming to the act; providing an effective date.

—was referred to the Committees on Governmental Operations; Judiciary; and Finance, Taxation and Claims.

By the Committee on Criminal Justice and Representative Geller and others—

**CS for HB 169**—A bill to be entitled An act relating to driving with a suspended license; amending s. 322.34, F.S.; providing for the impoundment of motor vehicles; providing for the seizure and forfeiture of any motor vehicle owned by a person upon a specified number of adjudications of that person for driving while his license is canceled, suspended, or revoked; providing for hardship; providing legislative intent; providing severability; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Postsecondary Education and Representative Clark and others—

**CS for HB 275**—A bill to be entitled An act relating to postsecondary education; creating s. 240.4987, F.S.; creating the Florida Minority Medical Education Trust Fund; providing eligibility requirements and funding; providing for rules; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Corrections and Representative Holland and others—

**CS for HB 323**—A bill to be entitled An act relating to medical expenses of persons in custody; amending section 5 of chapter 90-337, Laws of Florida; providing for responsibility of medical expenses of state prisoners; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; Community Affairs; and Appropriations.

By the Committee on Insurance and Representative Arnold—

**CS for HB 469**—A bill to be entitled An act relating to title insurance; creating the Title Insurance Statutory Review Commission; providing for appointment of members; requiring the commission to study and report to the Legislature on specified statutory provisions relating to title insurance; providing for expiration of the commission; providing restrictions on appointment authority; providing for filling of vacancies; providing for meetings; providing for election of a chair; providing for hearings; specifying information that may be considered by the commission; providing for per diem and travel expenses; requiring the Department of Insurance to provide staff support; providing for payment of commission expenses out of the Insurance Commissioner's Regulatory Trust Fund; amending s. 626.9551, F.S.; specifying that the prohibition against creditors coercing debtors with regard to insurance applies to title insurance; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By the Committee on Transportation and Representative King and others—

**CS for HB's 525 and 1555**—A bill to be entitled An act relating to motor vehicles operated by the hearing impaired; creating s. 229.8364, F.S.; authorizing the Florida Council for the Hearing Impaired to design and distribute an identifying placard to be placed in the rear window of a vehicle owned or leased by a hearing impaired person; providing for the form of the placard; providing a fee; providing an effective date.

—was referred to the Committees on Transportation; and Finance, Taxation and Claims.

By the Committees on Appropriations and Community Affairs and Representative Trammell and others—

**CS for CS for HB 819**—A bill to be entitled An act relating to the Department of Community Affairs; transferring funds from the Hazardous Materials Administration Trust Fund to the Growth Management Trust Fund; providing appropriations from the Growth Management Trust Fund for assistance to certain local governments in preparing comprehensive plans and land development regulations; amending s. 2 of chapter 88-200, Laws Florida; extending the deadline by which the department is required to repay the balance of a start-up loan to the Hazardous Materials Administration Trust Fund; providing an effective date.

—was referred to the Committees on Community Affairs and Appropriations.

By the Committee on Criminal Justice and Representative Valdes—

**CS for HB 823**—A bill to be entitled An act relating to controlled substances violations; amending ss. 893.13 and 893.135, F.S.; providing, as an additional penalty upon conviction for offenses involving possession or sale of, or trafficking in, controlled substances, for the mandatory suspension of the person's driver's license or driving privilege; providing for the escalation of the period of suspension upon subsequent convictions; providing for the mandatory revocation of a person's driver's license or driving privilege upon subsequent convictions; providing an effective date.

—was referred to the Committees on Criminal Justice and Appropriations.

By Representative Bainter—

**HB 1001**—A bill to be entitled An act relating to insurance; amending s. 627.4143, F.S.; requiring the outline of coverage for private passenger motor vehicle insurance to include information on coverage of collision damage to rental vehicles; requiring such information to be included on proof-of-insurance cards; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By the Committee on Judiciary and Representatives Simon and Gutman—

**CS for HB 1173**—A bill to be entitled An act relating to civil actions; amending s. 741.24, F.S.; providing that entities damaged by the criminal mischief of a minor may recover from the minor's parents; providing that certain entities damaged by a minor's criminal mischief or willful destruction or theft of property may discover the name and address of the minor and the minor's parents; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committees on Appropriations and Commerce and Representatives Holzendorf and Chestnut—

**CS for CS for HB 1231**—A bill to be entitled An act relating to minority business enterprises; amending s. 287.0943, F.S.; providing for certification of minority business enterprises through authorized local entities; providing for random onsite reviews; providing criteria for authorizing the local entities; directing local governments to accept minority business enterprises that are certified by the Department of General Services under certain circumstances; directing the Department of General Services to accept minority business enterprises as fully certified under certain circumstances; prohibiting revocation of certification under certain circumstances; directing the department to enter into at least one agreement with a local government; amending s. 287.0945, F.S.; providing for verification of status as a minority business enterprise by authorized local entities; amending s. 288.703, F.S.; conforming the definition of "certified minority business enterprise" to the amendments of ss. 287.0943 and 287.0945, F.S.; providing an effective date.

—was referred to the Committees on Governmental Operations and Appropriations.

By the Committee on Transportation and Representative Mishkin—

**CS for HB 1293**—A bill to be entitled An act relating to drivers' licenses; amending s. 316.302, F.S.; exempting certain persons from described federal requirements with respect to the operation of certain commercial vehicles; amending s. 322.056, F.S.; increasing the period of drivers' license suspension for youthful drug offenders; amending s. 322.04, F.S.; exempting certain employees of, and persons under contract

with, the U.S. Government from having to hold a Florida driver's license; amending s. 322.08, F.S.; revising language with respect to application for a driver's license to include reference to disqualification; amending s. 322.12, F.S.; providing for a waiver of certain examinations for holders of valid licenses from another state or a province of Canada who apply for a Florida driver's license; amending s. 322.121, F.S.; providing for simplification of examinations to be administered upon renewal of a driver's license; amending s. 322.21, F.S.; providing for a delinquent fee for certain commercial drivers' license renewals; amending s. 322.27, F.S.; providing for assessment of points at full value for convictions in another state; amending s. 322.55, F.S.; providing that a waiver of the driving skills portion of the drivers' examination may not be granted unless certain facts exist with respect to the 2-year period immediately preceding application for waiver; amending s. 322.62, F.S.; revising language with respect to commercial motor vehicle operators driving under the influence; providing penalties; amending s. 322.28, F.S.; correcting a cross reference; amending s. 322.18, F.S.; providing reference to renewal extension stickers; providing for the issuance of 4 and 6 year license extensions by mail, electronic, or telephonic means; amending s. 322.21, F.S.; providing reference to license extensions with respect to fees; providing effective dates.

—was referred to the Committees on Transportation; and Finance, Taxation and Claims.

By the Committees on Appropriations and Natural Resources and Representative Friedman and others—

**CS for CS for HB 1385**—A bill to be entitled An act relating to marine turtles; amending s. 327.25, F.S.; providing for the sale of marine turtle stickers with vessel registrations, including a fee therefor and the deposit and use thereof; amending s. 370.12, F.S.; revising provisions relating to the protection of marine turtles; providing a short title; providing legislative intent; defining the term "take" for purposes of prohibition thereof, for which there are penalties; deleting an exemption for accidentally caught marine turtles; requiring a special permit or loan agreement for possession of a marine turtle or parts thereof; providing that applications for various permits and other types of approval, including coastal construction and excavation permits, shall be subject to conditions and requirements for marine turtle protection as part of the permitting or approval process; providing for permit denial under specified circumstances; providing for special consideration to beach preservation and beach nourishment projects that restore habitat for endangered marine turtle species; creating the Marine Turtle Protection Trust Fund and providing uses thereof; providing an appropriation; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Appropriations.

By the Committee on Health Care and Representatives Muscarella and Safley—

**CS for HB 1491**—A bill to be entitled An act relating to the Florida Healthy Kids Corporation Act; amending s. 624.91, F.S.; providing for staggered terms for the board of directors; revising language with respect to the Florida Healthy Kids Trust Fund; amending chapter 90-199, Laws of Florida; increasing the number of sites which shall be selected for implementation of the Florida Healthy Kids Corporation Pilot Program without prior approval of the Legislature; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Governmental Operations; and Appropriations.

By the Committee on Tourism, Hospitality and Economic Development; and Representative Press—

**CS for HB 1615**—A bill to be entitled An act relating to the "Community Redevelopment Act of 1969"; amending s. 163.380, F.S.; revising language with respect to the disposal of property in a community redevelopment area; providing for disposal at a value to be determined to be in the public interest; providing an effective date.

—was referred to the Committees on Community Affairs and Appropriations.

By the Committees on Finance and Taxation; and Commerce; and Representatives Reddick and Laurent—

**CS for CS for HB 1785**—A bill to be entitled An act relating to private activity bond financing; authorizing the Advisory Council on Inter-

governmental Relations to study the allocation of private activity bond proceeds among regions and among projects; requiring a report; amending ss. 159.34, 159.47, and 159.705, F.S.; providing for the issuance of private activity bonds rather than industrial revenue or industrial development bonds by agencies under the Florida Industrial Development Financing Act, by industrial development authorities, and by research and development authorities; amending s. 159.803, F.S.; including qualified hazardous waste facilities within the definition of "priority project" under the Florida Private Activity Bond Allocation Act; amending s. 125.01, F.S.; specifying the power of county governing bodies to approve such bonds; amending ss. 218.31 and 218.32, F.S.; providing a definition of such bonds under the Uniform Local Government Financial Management and Reporting Act and providing for inclusion in the annual report thereunder; amending s. 288.075, F.S.; revising a definition of "economic development agency" to conform; amending ss. 290.0065, 290.007, and 290.014, F.S.; providing for issuance of such bonds for projects in enterprise zones; amending s. 658.67, F.S.; authorizing investment by banks and trust companies in such bonds; providing an effective date.

—was referred to the Committees on Commerce; and Finance, Taxation and Claims.

By the Committee on Criminal Justice and Representative Stafford and others—

**CS for HB 1823**—A bill to be entitled An act relating to restitution; amending s. 775.089, F.S.; providing for binding nature of restitution orders entered as part of plea agreements; providing for continuation of unsatisfied restitution obligations; providing for interest on outstanding unpaid amounts of restitution orders, and for liens on real estate owned by the defendant; authorizing collection of restitution by the state attorney; precluding discharge of the obligation in bankruptcy or other relief proceeding; reenacting ss. 538.07(2), 538.23(4), 810.115, 921.187(2), 944.17(5)(f), 948.03(1)(e), 948.032, and 960.001(1)(h), F.S., relating to secondhand dealers, secondary metals recyclers, breaking or injuring fences, disposition and sentencing, correctional commitments and classification, terms and conditions of probation and community control, and guidelines for fair treatment of victims, to incorporate said amendment in references thereto; providing an effective date.

—was referred to the Committees on Criminal Justice and Appropriations.

By the Committee on Criminal Justice and Representative Silver and others—

**CS for HB 1831**—A bill to be entitled An act relating to criminal penalties and firearms; amending s. 228.091, F.S.; increasing the penalties for trespass upon grounds or facilities of public schools; amending s. 230.23, F.S.; providing for school boards to add specified notice of possible criminal penalties to codes of student conduct; amending s. 39.037, F.S.; requiring notification of the district school superintendent or his designee of the taking into custody of a student under certain circumstances; providing an exemption from public records requirements; providing for future review and repeal; providing for removal of information from school records; creating s. 790.115, F.S.; providing for increased penalties for carrying concealed weapons or firearms upon grounds or facilities of public and nonpublic schools; adding destructive devices to weapons which may not be improperly exhibited; providing for unlawful possession and discharge of weapons and firearms on school property and at school functions; providing a definition; providing exceptions; providing penalties; providing an effective date.

—was referred to the Committees on Criminal Justice, Education and Appropriations.

By the Committee on Regulatory Reform and Representative Tobin—

**HB 2531**—A bill to be entitled An act relating to podiatric technicians; repealing s. 461.017, F.S., relating to special certification provisions, pursuant to scheduled repeal; providing an effective date.

—was referred to the Committee on Professional Regulation.

By Representative Jennings and others—

**HB 27**—A bill to be entitled An act relating to mobile home park lot tenancies; amending s. 723.003, F.S.; defining the term "resale agreement" for the purposes of the Florida Mobile Home Act; amending s. 723.058, F.S., relating to restrictions on the sale of mobile homes; prohibiting the requirement of certain resale agreements as a condition of tenancy; pro-

hibiting resale agreements of perpetual or indefinite duration; prohibiting discriminatory increases in lot rental amounts based upon refusal to enter or extend a resale agreement; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Judiciary and Representative Ascherl—

**CS for HB 155**—A bill to be entitled An act relating to the judiciary; amending s. 28.24, F.S.; clarifying the authority of the clerk of the court to modernize the public records system; amending s. 28.2401, F.S.; providing for filing fees for wills; providing a limit on service charges; amending s. 28.241, F.S.; specifying the maximum amount of total charges and fees that may be imposed upon the party that initiates certain civil or appellate proceedings in circuit court; specifying the maximum total amount the clerk of the circuit court may charge a county for his services in a criminal or juvenile proceeding in the circuit court; prohibiting the assessment of a charge or fee for filing a responsive pleading in a proceeding in a circuit court; amending s. 34.041, F.S.; specifying the maximum amount of charges and fees that may be imposed upon the party that initiates a civil proceeding in a county court; prohibiting the assessment of a charge or fee for filing a responsive pleading in a proceeding in a county court or in an appeal to a circuit court; creating s. 119.033, F.S.; creating the Municipal Clerk's Capital Equipment Modernization Trust Fund; creating a surcharge on the recording of documents in the official records of the county; providing for the collection and distribution of surcharge revenues; amending s. 40.01, F.S.; providing for qualifications of jurors; amending s. 40.013, F.S.; revising language with respect to persons qualified or excused from jury service; amending s. 40.015, F.S.; providing for the establishment of jury districts in accordance with procedures adopted by the Supreme Court; providing an exception; amending s. 40.02, F.S.; revising language with respect to selection of jury lists, drawing jury venires and jury pools; amending s. 40.23, F.S.; revising language with respect to summoning jurors; amending s. 40.235, F.S.; providing that the sheriff, when required by order of the court, shall provide jurors with meals and lodging; amending s. 40.24, F.S.; providing for a juror compensation and reimbursement policy; providing for employers to compensate employees summoned for jury duty; providing for hardship exceptions for employers; providing for compensation for self-employed and unemployed jurors; amending s. 40.271, F.S.; revising language with respect to jury service; creating s. 40.281, F.S.; providing for studies, research, and new procedures to be developed by the Supreme Court; amending s. 40.41, F.S.; providing that jurors shall serve for 1 day or the completion of one trial, whichever is longer; creating s. 40.45, F.S.; providing criteria to review clerk of court finances; repealing s. 40.221, F.S., relating to drawing the jury venire; repealing s. 40.225, F.S., relating to an alternative method for drawing the jury venire; repealing s. 40.231, F.S., relating to jury pools; repealing s. 40.26, F.S., relating to meals for jurors; repealing s. 40.30, F.S., relating to the requisition endorsed by the Comptroller and countersigned by the Governor; amending s. 905.37, F.S.; correcting a cross reference; amending s. 90.6063, F.S.; requiring appointment of an interpreter to assist deaf jurors or grand jurors; amending s. 905.17, F.S.; authorizing interpreters to be present at grand jury deliberation or voting; amending s. 905.24, F.S.; prohibiting interpreters from disclosing grand jury proceedings; amending s. 913.03, F.S.; providing that deafness or hearing impairment is not a ground for challenging a juror; amending s. 48.021, F.S.; providing for qualifications for special process servers; amending s. 741.30, F.S.; providing for service of injunctions in cases of domestic violence at any time of day or night; amending s. 903.105, F.S.; providing for delivery to the clerk of the court moneys or collateral remitted to a sheriff in connection with appearance bonds; amending s. 903.16, F.S.; providing for delivery to the clerk of the court moneys or bonds remitted to a sheriff in connection with the payment of bail; providing effective dates.

—was referred to the Committees on Judiciary, Community Affairs and Appropriations.

By the Committee on Transportation and Representative Grindle and others—

**CS for HB 175**—A bill to be entitled An act relating to private transportation facilities; creating s. 334.30, F.S.; authorizing the department, with legislative approval, to enter into agreements allowing private entities to construct and operate privately owned and financed transportation facilities; authorizing the private entity to charge tolls or fares; requiring private transportation facilities to comply with all requirements of federal, state, and local laws, and state, regional, and local comprehensive plans, and department rules, policies, procedures, and standards for transportation facilities, and any other conditions which the department



determines to be in the public's best interest; authorizing the department to exercise any power possessed by it to facilitate private transportation projects; providing an effective date.

—was referred to the Committees on Transportation; Finance, Taxation and Claims; and Appropriations.

By Representatives Cosgrove and De Grandy—

**HB 219**—A bill to be entitled An act relating to law enforcement officers; amending ss. 112.531, 112.532, 112.533(2)(a), and 112.534, F.S.; including deputy sheriffs under provisions of law relating to the rights of law enforcement and correctional officers; clarifying the applicability of the act; reenacting s. 316.2935(4), F.S., relating to air pollution control equipment, to incorporate the amendment to s. 112.531, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Criminal Justice, Community Affairs and Appropriations.

By the Committee on Criminal Justice and Representative Albright and others—

**CS for HB 359**—A bill to be entitled An act relating to firearms; creating s. 790.054, F.S.; authorizing correctional probation officers to carry concealed firearms upon meeting certain requirements; exempting such officers from certain licensing and penal provisions; amending s. 843.025, F.S.; making unlawful depriving a correctional officer of his weapon or radio under certain circumstances; providing penalties; providing an effective date.

—was referred to the Committees on Criminal Justice; Corrections, Probation and Parole; and Appropriations.

By the Committee on Appropriations and Representative Bloom and others—

**CS for HB 463**—A bill to be entitled An act relating to state officers and employees; amending s. 110.151, F.S.; revising language with respect to state officers' and employees' child care services; providing that the sponsoring state agency shall be responsible for certain costs; providing that the sponsoring state agency may be responsible for the operation of a child care center under certain circumstances; providing for consortium arrangements; deleting language referring to the Ina S. Thompson Child Care Center; providing legislative intent; creating the "Family Support Personnel Policies Act"; directing the Department of Administration to develop a model rule with respect to family support personnel policies; providing a timeframe for the adoption of the rule; directing agencies to appoint advisory committees by a certain date; providing for a study of the state personnel system; creating a Commission on Florida Government Personnel System; providing for repeal; providing for future repeal and review of the advisory committees pursuant to s. 11.611, F.S., the Sundown Act; providing an effective date.

—was referred to the Committees on Governmental Operations; Personnel, Retirement and Collective Bargaining; and Appropriations.

By Representative Lewis and others—

**HB 553**—A bill to be entitled An act relating to Florida Atlantic University; providing legislative intent; amending s. 3, ch. 82-247, Laws of Florida; removing site specific restrictions for the relocation of the Florida Atlantic University West Palm Beach Center and for the expenditure of proceeds from the sale of land; providing for the sale of the Florida Atlantic University TV Tower Site to fund the acquisition, purchase, lease, renovation, or expansion of facilities for use by Florida Atlantic University; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Representative K. Smith and others—

**HB 621**—A bill to be entitled An act relating to jurors and grand jurors; amending s. 40.013, F.S.; providing that a person may not be excused from service on a jury solely because of deafness or hearing impairment; amending s. 90.6063, F.S.; requiring appointment of an interpreter to assist deaf jurors or grand jurors; amending s. 905.17, F.S.; authorizing interpreters to be present at grand jury deliberation or voting; amending s. 905.24, F.S.; prohibiting interpreters from disclosing grand jury proceedings; amending s. 913.03, F.S.; providing that deafness or hearing impairment is not a ground for challenging a juror; providing an effective date.

—was referred to the Committees on Judiciary, Community Affairs and Appropriations.

By the Committee on Criminal Justice and Representative Flag and others—

**CS for HB 663**—A bill to be entitled An act relating to regional criminal justice assessment centers; authorizing creation and setting forth purpose, powers, duties, structure, and organization of the centers; providing for standardized screening, testing, physical examination, and investigation of in-service officers and applicants for law enforcement and corrections positions within criminal justice agencies in Florida; providing consent to release information; providing an exception; providing for funding; providing for advisory boards; providing for travel and per diem expenses for center advisory board members; providing that activities of the centers shall not generate state funding; providing for an independent audit; providing budgeting and audit review requirements; providing definitions; providing for additional powers and duties of the Department of Legal Affairs; providing an effective date.

—was referred to the Committees on Criminal Justice; Education; Finance, Taxation and Claims; and Appropriations.

By the Committees on Appropriations and Regulated Industries and Representative Healey and others—

**CS for CS for HB 685**—A bill to be entitled An act relating to bingo; amending s. 849.093, F.S.; revising provisions which regulate the conduct of bingo; providing intent; providing definitions; providing that the Division of Pari-mutuel Wagering shall supervise bingo activities and specifying powers and duties of the division; authorizing the conduct of bingo by authorized organizations; providing requirements and conditions for the conduct of bingo; requiring licensing of such organizations and distributors of bingo equipment; providing for fees; providing limitations on prizes; requiring licensees to maintain records and submit reports; prohibiting certain activities in connection with bingo; providing for revocation or denial of licenses and administrative fines; providing a criminal penalty; providing for injunctions; providing for deposit of moneys collected in the Pari-mutuel Wagering Trust Fund; providing that the regulation of bingo is preempted to the state, with certain exceptions; amending s. 718.114, F.S., which provides for the conduct of bingo by condominium associations, to conform; amending s. 723.079, F.S.; providing that nonprofit mobile home owners' associations may conduct bingo; amending ss. 849.09 and 849.094, F.S., relating to the prohibition against lotteries and regulation of game promotions, to conform; providing an appropriation and authorizing positions; providing an effective date.

—was referred to the Committees on Commerce; Criminal Justice; Finance, Taxation and Claims; and Appropriations.

By Representative Liberti—

**HB 901**—A bill to be entitled An act relating to offenses by public officers; providing elements of the crime of official misconduct; providing definitions; prohibiting public servants from engaging in specified actions with respect to official records and documents; prohibiting public servants from interfering with certain communications relating to criminal violations; prohibiting public officers from refraining from performing certain duties; providing penalties; repealing s. 839.25, F.S., relating to official misconduct; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; Criminal Justice; and Appropriations.

By the Committee on Natural Resources and Representative C. F. Jones—

**CS for HB 985**—A bill to be entitled An act relating to land reclamation; amending s. 211.3103, F.S.; changing the distribution of the tax on severance of phosphate rock; amending s. 378.034, F.S.; increasing the portion of the uncommitted Nonmandatory Land Reclamation Trust Fund balance available for approved reclamation contracts on an annual basis; directing the Department of Natural Resources to require notice of intent to file an application for approval of reclamation projects; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations.

By the Committees on Appropriations and Criminal Justice and Representative Chinoy and others—

**CS for CS for HB's 997 and 1701**—A bill to be entitled An act relating to domestic violence; amending s. 25.385, F.S.; directing the Florida Court Educational Council to establish standards for the instruction



of county court judges with respect to domestic violence cases; redefining the term "domestic violence"; defining the term "family or household member"; amending s. 26.20, F.S., requiring each circuit to provide a judge for after hours, weekend, and holiday filings for temporary injunctions in domestic violence cases; amending s. 741.29, F.S.; directing law enforcement officers to assist certain domestic violence victims to obtain medical treatment; revising language with respect to investigations by law enforcement officers of domestic violence; providing for revised notices to victims; providing for the forwarding of certain written reports to certain spouse abuse centers; providing criteria with respect to arrest and charging for domestic violence; providing for freedom from liability; creating s. 741.2901, F.S.; providing for the duties of the state attorneys with respect to the prosecution of domestic violence cases; creating s. 741.2902, F.S.; providing for legislative intent with respect to domestic violence cases; amending s. 741.30, F.S.; redefining the term "domestic violence"; eliminating the term "spouse" and substituting the term "family or household member"; providing for additional duties of the clerk of the court with respect to domestic violence cases; providing for additional information on the petition for injunction for protection against domestic violence; providing for additional duties of law enforcement officers; amending s. 901.15, F.S.; providing for arrest without warrant for domestic violence; amending s. 943.171, F.S.; redefining the term "domestic violence"; defining the term "household member"; amending s. 944.705, F.S.; conforming to the act; providing for the responsibilities of the Department of Law Enforcement with respect to uniform statewide policies and procedures with respect to domestic violence cases; providing for collection of certain statistics on domestic violence; providing an effective date.

—was referred to the Committees on Judiciary, Criminal Justice and Appropriations.

By the Committee on Health and Rehabilitative Services; and Representative Dennis Jones—

**CS for HB 1027**—A bill to be entitled An act relating to health; providing definitions; providing applicability; providing for licensure and fees and for discipline; providing for warning statements and signs; regulating the operation of tanning facilities; requiring reporting of injuries; providing for inspections; providing for criminal and administrative penalties and injunctive relief; providing for rules; providing for future repeal and legislative review under the Regulatory Sunset Act; providing an appropriation for the HLA-typing of potential bone marrow donors in the state; requiring that health insurance policies which provide benefits for certain therapeutic services also cover the services of persons licensed to practice massage; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Professional Regulation; Commerce; and Appropriations.

By the Committee on Insurance and Representative Kelly—

**CS for HB 1135**—A bill to be entitled An act relating to insurance; amending s. 327.19, F.S.; requiring that an insurer paying compensation for a total loss to a vessel obtain the title certificate and forward it to the Department of Natural Resources; providing penalties for violations; amending s. 626.561, F.S.; applying provisions relating to reporting and accounting for insurers' funds to unlicensed owners of insurance agencies; providing penalties; providing that funds maintained under the section are not subject to certain attachment or claims; amending s. 626.2815, F.S.; changing certain continuing education requirements for insurance agents and other licensees; amending s. 626.902, F.S.; revising penalties for representing or aiding an unauthorized insurer; amending s. 319.30, F.S.; specifying guides that may be used to determine the value of a vehicle for purposes of applicability of provisions relating to salvage; amending s. 627.0653, F.S.; specifying the type of antilock brakes that qualify a vehicle for an antilock brake insurance premium discount; amending s. 627.728, F.S.; revising the definition of "renewal" for purposes of motor vehicle insurance; requiring notice of intention to transfer a policy from one insurer to another insurer under the same ownership or management; amending s. 626.989, F.S.; providing that certain persons who have access to papers of the Division of Insurance Fraud of the Department of Insurance are not subject to subpoena; amending s. 817.234, F.S.; expanding the prohibition against false and fraudulent insurance claims; providing penalties; amending s. 843.08, F.S.; expanding the prohibition on falsely personating a law enforcement officer to include investigators employed by the division; providing penalties; amending s. 895.02, F.S.; including specified offenses relating to transacting insurance without authorization within the term "racketeering activity" for purposes of the Florida RICO (Racketeer Influenced and Corrupt Organizations) Act; reenacting ss.

27.34(1), 624.126(2), 626.321(1)(h), 626.934(1), 626.9571(1), 626.9581, 626.9611, 655.50(3)(g), and 896.101(1)(g), F.S., relating to state attorneys, mutual aid societies, limited insurance agent's licenses, surplus lines agents, administrative hearings, final orders, rules, money laundering, and proceeds of unlawful activities, to incorporate amendments to various provisions in references thereto; repealing s. 207.029, F.S., relating to proof of liability insurance with respect to certain commercial motor vehicles; amending s. 627.6051, F.S.; eliminating notice of cancellation requirements for certain health insurance policies; amending s. 627.6515, F.S.; requiring a group health insurance policy issued outside the state to provide coverage for mammograms to Florida residents covered under the policy; amending s. 627.733, F.S.; providing an exemption from mandatory motor vehicle insurance requirements for specified military personnel; amending s. 627.736, F.S.; revising language with respect to required personal injury protection benefits; revising provisions relating to motor vehicle service agreement companies; amending s. 634.011, F.S.; revising and adding definitions; amending s. 634.031, F.S.; revising activities and entities subject to licensure; amending s. 634.041, F.S.; revising qualifications for licensure; creating s. 634.044, F.S.; providing requirements for assets and liabilities; amending s. 634.052, F.S.; revising deposit requirements; amending s. 634.061, F.S.; revising information required in application for licensure; amending s. 634.071, F.S.; providing for continuous licensing; amending s. 634.081, F.S.; revising grounds for the suspension and revocation of a license; creating s. 634.095, F.S.; prohibiting certain acts and providing for criminal penalties in addition to disciplinary action; amending s. 634.101, F.S.; providing for extended jurisdiction of the Department of Insurance in certain circumstances; amending s. 634.121, F.S.; revising the requirements for provisions in warranty forms and contracts; amending s. 634.1213, F.S.; providing additional grounds for the disapproval of forms and advertisements; amending s. 634.1216, F.S.; deleting certain exceptions relevant to rate filings; amending s. 634.131, F.S.; revising fine requirements with respect to filing of certain forms; amending s. 634.141, F.S.; providing for limited waiver of examination requirement; amending s. 634.171, F.S.; providing for licensure and appointment of salesmen; amending ss. 634.181, 634.191, 634.201, 634.211, 634.251, and 634.2515, F.S.; conforming terminology; creating s. 634.242, F.S.; providing for injunctive proceedings; amending s. 634.252, F.S.; deleting obsolete reference; creating s. 634.281, F.S.; providing that unfair trade practices are prohibited; revising provisions relating to home warranty associations; amending ss. 634.308, and 634.3123, F.S.; deleting limitations on home warranty renewals; amending s. 634.317, F.S.; providing for licensure and appointment of sales representatives; amending ss. 634.318, 634.319, 634.320, 634.321, 634.322, 634.3225, 634.323, 634.324, and 634.328, F.S.; conforming terminology; revising provisions relating to service warranty associations; amending s. 634.401, F.S.; revising definitions; amending s. 634.403, F.S.; providing for cease and desist orders; amending s. 634.404, F.S.; revising qualifications for license; amending s. 634.405, F.S.; deleting exception to deposit requirement; amending s. 634.406, F.S.; revising financial requirements; creating s. 634.4061, F.S.; providing for assets and liabilities; amending s. 634.407, F.S.; requiring additional information on applications; amending s. 634.408, F.S.; providing for continuous licensing; amending s. 634.409, F.S.; providing an additional ground for suspension or revocation of the license; amending s. 634.411, F.S.; providing for extended jurisdiction of the department under certain circumstances; amending s. 634.414, F.S.; revising cancellation refund provisions; amending s. 634.4145, F.S.; providing for the disapproval of forms; amending s. 634.415, F.S.; providing a penalty for failure to timely file annual statements or quarterly reports; amending s. 634.419, F.S.; providing for the licensure and appointment of sales representatives; amending s. 634.420, F.S.; providing criteria for licensure; amending ss. 634.421, 634.422, 634.423, 634.424, 634.425, and 634.426, F.S.; conforming terminology; amending s. 624.501, F.S.; providing for appointment fees for sales representatives of miscellaneous lines of insurance; amending s. 634.3123, F.S.; revising language with respect to disapproval of forms; saving chapter 634 from repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committees on Commerce; Finance, Taxation and Claims; and Appropriations.

By Representative Abrams—

**HB 1203**—A bill to be entitled An act relating to municipal water and sewer utilities; amending s. 180.191, F.S.; expanding the exemption of municipal water and sewer utilities operating outside municipal boundaries from county regulation; providing an effective date.

—was referred to the Committees on Commerce and Community Affairs.

By Representative Sanderson and others—

**HB 1261**—A bill to be entitled An act relating to taxation; amending ss. 213.053, 896.102, F.S.; authorizing the department to release certain information and currency transaction reports to the Department of Law Enforcement without subpoena or court order; prohibiting disclosure of any information prohibited by federal law from being disclosed; amending ss. 212.0505 and 212.20, F.S.; providing for return of a portion of the proceeds of the tax on unlawful sales of drugs and controlled substances to the county of collection and providing for use thereof; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Finance, Taxation and Claims; and Appropriations.

By the Committee on Vocational/Technical Education and Representative Sansom and others—

**CS for HB 1313**—A bill to be entitled An act relating to economic development; creating s. 230.101, F.S.; providing procedures for increasing the number of school board members; requiring a joint cooperative strategic plan to meet the current and future economic development and workforce needs of Florida; amending s. 228.072, F.S.; requiring school boards that operate adult education programs to provide testing for persons participating in employment and training programs of the Department of Health and Rehabilitative Services; amending ss. 230.645, 240.35, F.S.; providing conditions under which students enrolled in the department's employment and training programs are exempt from instructional fees; amending s. 409.029, F.S.; revising provisions relating to the Florida Employment Opportunity Act; revising legislative intent; deleting certain reporting requirements; providing for application of the Workers' Compensation Act to program participants; deleting obsolete provisions; providing that applicants for public assistance are exempt from program participation requirements until eligibility is determined; providing circumstances under which eligible participants may be deferred from participation; revising participation requirements; revising requirements for assessment of applicants for public assistance for program eligibility; amending s. 409.185, F.S.; revising standards for determining eligibility for and amount of economic assistance; amending s. 240.4021, F.S.; directing the State Board of Education to adopt rules regarding the eligibility of certain students; amending s. 240.4062, F.S.; revising provisions relating to credit for repayment of a critical teacher shortage scholarship loan; amending s. 446.205, F.S.; providing for a Job Training Partnership Act family dropout prevention program; providing for development and implementation of a program; providing for funding; providing requirements for participation in the program; deleting provisions relating to incentive awards; amending s. 446.22, F.S.; revising definitions; amending s. 446.23, F.S.; revising terminology and mentor obligations; amending s. 446.24, F.S.; revising youth participant obligations; amending s. 446.25, F.S.; providing for coordination of services by service delivery areas and revising advisory council purposes; amending s. 446.26, F.S.; revising funding provisions; amending s. 446.27, F.S.; revising reporting requirements; directing the State Board of Education to adopt rules regarding the provision of vocational education programs to meet statewide workforce shortage needs; providing an effective date.

—was referred to the Committees on Education and Commerce.

By the Committee on Postsecondary Education and Representative Young—

**CS for HB 1319**—A bill to be entitled An act relating to postsecondary education; amending s. 240.4021, F.S.; revising eligibility requirements for receipt of an award under the Vocational Gold Seal Endorsement Scholarship Program; revising provisions relating to certification of eligibility status; amending s. 240.4022, F.S.; revising eligibility requirements for receipt of an award under the Vocational Achievement Grant program; amending s. 240.4068, F.S.; revising provisions relating to scholarship loans to nonpublic secondary school students under the "Chappie" James Most Promising Teacher Scholarship Loan Program; amending ss. 240.409, 240.4095 and 240.4097, F.S.; revising provisions relating to student eligibility, amount of awards, certification of eligibility status, and audits of the Florida Public Student Assistance Grant Fund, the Florida Private Student Assistance Grant Fund, and the Florida Postsecondary Student Assistance Grant Fund; creating s. 240.4078, F.S.; creating the Florida Patriot Scholarship Program; providing eligibility for scholarships; providing scholarship award amounts and limitations; establishing the Florida Patriot Scholarship Program Trust Fund; providing for disbursements from such trust fund; providing for rules; amending s. 240.408, F.S.; providing for the award of scholarships to nonpublic school students from the Challenger Astronauts Memorial Undergraduate Scholarship Program; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committees on Appropriations and Criminal Justice and Representative Burke and others—

**CS for CS for HB 1431**—A bill to be entitled An act relating to bias in Florida's court and justice systems and law enforcement standards and training; amending s. 43.29, F.S.; requiring minority representation on the Judicial Nominating Commissions; amending s. 39.023, F.S.; requiring minority representation on the Commission on Juvenile Justice; amending s. 39.024, F.S.; requiring minority representation on the Juvenile Justice Standards and Training Council; creating s. 760.51, F.S.; providing for civil actions with respect to violation of certain constitutional rights; creating s. 16.57, F.S.; creating an Office of Civil Rights in the Department of Legal Affairs; creating s. 28.34, F.S.; providing relief for salary discrimination based on gender or race for county and circuit court personnel; creating s. 27.182, F.S.; providing relief for salary discrimination based on gender or race in the office of state attorney; creating s. 27.5301, F.S.; providing relief for salary discrimination based on gender or race in the office of public defender; providing definitions; creating s. 943.1715, F.S.; providing for basic skills training relating to racial and ethnic minorities; creating s. 943.1716, F.S.; requiring such training for continued employment; creating s. 943.1757, F.S.; providing executive level training relating to racial and ethnic minorities; requiring the Criminal Justice Executive Institute to submit annual reports; amending s. 943.1755, F.S.; providing for research studies relating to racial and ethnic minorities; creating s. 943.1758, F.S.; providing for revision of Criminal Justice Standards and Training relating to racial and ethnic minorities; providing a curriculum of standardized proficiency law enforcement instructions on racial and ethnic minorities; providing for use of culturally sensitive demonstrative aids; providing for trainer programs; requiring a report from the commission; requiring a revised curriculum; providing an appropriation; providing an effective date.

—was referred to the Committees on Judiciary, Governmental Operations and Appropriations.

By the Committees on Appropriations and Judiciary and Representative Silver and others—

**CS for CS for HB 1465**—A bill to be entitled An act relating to community associations; amending s. 718.103, F.S.; providing definitions; amending s. 718.104, F.S.; providing additional requirements in the declaration creating a condominium; providing additional requirements in the common elements for certain condominiums; amending s. 718.110, F.S.; revising language with respect to the amendment of the declaration; amending s. 718.111, F.S.; revising language with respect to the association; providing for a civil penalty; amending s. 718.112, F.S.; revising language with respect to the bylaws; providing a fine; amending s. 718.113, F.S.; requiring each board of administration to adopt hurricane shutter specifications along certain lines; amending s. 718.114, F.S.; revising language with respect to the association powers; amending s. 718.115, F.S.; revising language with respect to common expenses and common surplus; amending s. 718.116, F.S.; revising language with respect to assessments; amending s. 718.1255, F.S.; providing for alternative dispute resolution; encouraging voluntary mediation; providing for mandatory nonbinding arbitration; providing legislative findings; amending s. 718.203, F.S.; including design professionals, architects, and engineers in a list of contractors granting warranties; amending s. 718.301, F.S.; revising language with respect to transfer of association control; creating s. 718.3026, F.S.; providing for written contracts for products and services; providing for bids; providing exceptions; amending s. 718.303, F.S.; providing for additional amounts to be recovered by a unit owner who prevails over the association under certain circumstances; increasing fines; amending s. 718.401, F.S.; providing a shorter term of lease with respect to certain condominiums; amending s. 718.501, F.S.; revising language with respect to the powers and duties of the Division of Florida Land Sales, Condominiums, and Mobile Homes; increasing fees; creating s. 718.5015, F.S.; creating an Office of Condominium Ombudsman within the division for administrative purposes; creating s. 718.5016, F.S.; providing for powers and duties of the ombudsman; creating s. 718.5017, F.S.; providing for compensation and expenses; creating s. 718.5018, F.S.; providing for the location of the ombudsman's office; creating s. 718.5019, F.S.; creating the Advisory Council on Condominiums; amending s. 718.502, F.S.; revising language with respect to filing prior to sale or lease; providing a fee; amending s. 718.503, F.S.; revising language with respect to disclosure prior to sale; amending s. 718.504, F.S.; revising language with respect to the prospectus or offering circular; amending s. 718.608, F.S.; requiring developers to file certain information with the division prior to delivering a notice of intended conversion; providing a fee; amending s. 718.618, F.S.; providing for additional reserve accounts; amending s. 719.106, F.S.;

revising language with respect to bylaws of cooperatives; amending s. 721.13, F.S.; providing quorum requirements with respect to time-share condominiums or owners' associations; amending s. 721.05, F.S.; redefining the term "time-share estate"; providing for review and repeal; providing an appropriation; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; and Finance, Taxation and Claims.

By the Committee on Health Care and Representative Lippman and others—

**CS for HB 1513**—A bill to be entitled An act relating to midwifery; amending s. 467.002, F.S.; modifying legislative intent; amending s. 467.003, F.S.; revising definitions of terms to conform to the act; revising the minimum age requirement; amending s. 467.004, F.S.; redesignating the Advisory Council of Lay Midwifery as the Council of Midwifery; revising provisions to conform to a transfer of the council to the Board of Medicine; revising council membership and terms; providing for reimbursement of per diem and travel expenses of members of the council; creating s. 467.0042, F.S.; providing duties of the council; amending s. 467.005, F.S.; authorizing the board to promulgate rules; amending s. 467.006, F.S.; repealing provisions that restricted eligibility for a license to practice midwifery to nurses; repealing obsolete provisions; providing eligibility requirements for licensure or relicensure of specified persons; creating s. 467.0065, F.S.; providing for midwifery educational programs; providing review of educational programs on midwifery; providing for periodic review of approved midwifery programs; amending s. 467.011, F.S.; requiring the board to develop the licensure examination; providing for testing in core competencies; requiring the Department of Professional Regulation to issue a license to each person who passes the examination, upon payment of the licensure fee; amending s. 467.012, F.S.; providing duties of the board with respect to license renewal; amending s. 467.013, F.S.; repealing a cap on the fee charged to a licensee to have his license placed on inactive status at his request; increasing the maximum continuing education requirement for reactivation of a license; revising the period within which a license may be reactivated; requiring training and examination to reinstate a suspended license; creating s. 467.0135, F.S.; providing fees for licensure, license renewal, licensure by endorsement, and inactive license status; creating s. 467.014, F.S.; requiring certain financial responsibility as a condition of licensure; creating s. 467.0155, F.S.; requiring the Board of Regents, the University of Florida and University of Miami Medical Schools, the Department of Education, and the council to develop guidelines and rules on out-of-hospital deliveries; amending s. 467.016, F.S.; providing board and council responsibility with respect to a uniform client informed-consent form; amending s. 467.017, F.S.; providing board and council responsibility for an emergency care plan; amending s. 467.201, F.S.; providing criminal penalties for specified violations of ch. 467, F.S.; conforming terminology; creating s. 467.2035, F.S.; providing for disciplinary actions and penalties; amending s. 467.209, F.S.; providing that the transfer of responsibility for regulating midwifery does not affect pending judicial or administrative proceedings; providing a saving clause for current licensees and certificateholders; providing for effect on existing rules; transferring powers, duties, records, personnel, and property relating to the administration of midwifery provisions from the Department of Health and Rehabilitative Services to the Department of Professional Regulation; amending s. 381.031, F.S.; deleting the regulation of the practice of midwifery from the duties and powers of the Department of Health and Rehabilitative Services; amending s. 627.351, F.S.; including licensed midwives within the definition of the term "health care provider" for the purpose of medical malpractice risk apportionment; amending s. 768.13, F.S.; providing limitations on liability relating to care rendered to certain pregnant women or infants in need of emergency services or rendered to women or infants due to complications arising from care provided by a non-nurse midwife; repealing s. 8, ch. 84-268, Laws of Florida; saving provisions of ch. 467, F.S., from repeal scheduled pursuant to the Regulatory Sunset Act and the Sundown Act; providing for future repeal and legislative review of ch. 467, F.S., pursuant to the Regulatory Sunset Act; providing an appropriation and positions; repealing s. 467.009, F.S., relating to training requirements; repealing s. 467.015, F.S., relating to responsibilities of the midwife; repealing s. 467.202, F.S., relating to injunctions; repealing s. 467.203, F.S., relating to disciplinary actions; repealing s. 467.205, F.S., relating to approval of midwifery programs; repealing s. 467.207, F.S., relating to exceptions to application; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Professional Regulation; and Judiciary.

By Representatives Harris and Daryl Jones—

**HB 1537**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 581.131, F.S.; increasing the maximum annual registration fee for nurserymen; amending s. 581.185, F.S., and repealing s. 581.185(5) and (6), F.S.; deleting the Regulated Plant Index and provisions conforming state law to the federal Endangered Species Act of 1973; authorizing the Department of Agriculture and Consumer Services to establish and maintain the Regulated Plant Index in rules; providing considerations; specifying that certain permits consistent with federal standards may be issued with respect to listed endangered species; amending s. 585.003, F.S.; providing additional powers of the department when entering private premises; amending s. 585.01, F.S.; providing definitions; amending s. 585.145, F.S.; clarifying authority with respect to importation, intrastate movement, and transfer of ownership of animals; providing a penalty for certain offenses; creating s. 585.68, F.S.; providing authority to enter, inspect, and test premises and animals where animals are suspected of harboring biological or chemical residues; authorizing the restriction of premises and animal movement when harmful biological or chemical residues are suspected; authorizing destruction of certain animals; amending s. 585.70, F.S.; defining the term "pet food"; amending s. 585.85, F.S.; prohibiting the sale and transportation of specified pet food for human consumption; providing labeling requirements; providing penalties; amending and renumbering s. 828.31, F.S., and designating said section as part IV of chapter 585, F.S., entitled "Dogs and Cats"; revising language with respect to dogs and cats transported or offered for sale; amending s. 531.41, F.S.; providing that scales used by providers of weight control services shall not be considered commercial weights and measures under specified circumstances; providing an effective date.

—was referred to the Committees on Agriculture and Appropriations.

By Representatives Mims and Valdes—

**HB 1609**—A bill to be entitled An act relating to chemicals used in the manufacture of controlled substances; amending s. 893.02, F.S.; adding a definition of the term "listed chemical"; creating s. 893.033, F.S.; establishing a list of precursor chemicals and essential chemicals; amending s. 893.105, F.S.; authorizing the sample testing and destruction of listed chemicals seized; amending s. 893.12, F.S.; providing that listed chemicals involved in violations of ch. 893, F.S., are contraband and are subject to seizure and forfeiture; providing for destruction of seized chemicals; creating s. 893.149, F.S.; prohibiting the possession of a listed chemical with the intent to unlawfully manufacture a controlled substance; providing penalties; amending s. 112.0455, F.S.; revising a cross-reference to conform to renumbering made by this act; providing an effective date.

—was referred to the Committees on Criminal Justice and Appropriations.

By Representative Silver—

**HB 1625**—A bill to be entitled An act relating to contraband forfeiture; amending s. 893.12, F.S.; providing that seized property must be forfeited; providing procedures and standards for protection of the interests of persons holding liens on seized property; prohibiting forfeiture of property if the owner or a coowner lacked knowledge of the criminal use of the property; providing circumstances under which rented or leased vehicles shall be subject to forfeiture; providing for the return of rented or leased vehicles; amending s. 932.703, F.S.; providing that title to seized contraband vests in either the state or the seizing agency upon seizure, rather than in the state; amending s. 932.704, F.S.; specifying the manner of sale of seized property; requiring that certain reports to the Department of Law Enforcement be made by the law enforcement agency that received or expended forfeited property or proceeds from the sale of such property, rather than by the entity with budgetary authority over such law enforcement agency; providing an effective date.

—was referred to the Committees on Criminal Justice; Finance, Taxation and Claims; and Appropriations.

By the Committee on Public Schools and Representative Daryl Jones—

**CS for HB 1637**—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; revising definitions in the Florida School Code; amending s. 228.071, F.S.; revising provisions relating to community education grants; amending s. 228.0713, F.S.; revising provisions relating to the Adult Literacy Plan; amending ss. 228.0715 and 228.0716, F.S.; revis-

ing provisions of the Adult Literacy Act and the Florida Literacy Corps Act; amending s. 228.072, F.S.; revising adult general education provisions; amending s. 228.0725, F.S.; revising provisions relating to adult literacy centers; amending s. 228.075, F.S.; providing dates by which local, regional, and state vocational education plans must be completed; providing for the Department of Education to modify, revise, and review the state plan; providing a maximum length of time that may elapse between plan revisions; deleting deadlines that have passed; amending s. 229.132, F.S.; revising provisions relating to the registration of adult students; amending s. 229.55, F.S.; revising provisions relating to educational accountability; amending s. 229.557, F.S.; revising provisions relating to the vocational education management information system; amending s. 229.805, F.S.; revising Department of Education powers relating to educational television; providing requirements for funding of stations; amending s. 229.8051, F.S.; revising requirements of the public broadcasting program system; providing for rules; amending s. 229.808, F.S.; correcting a cross reference; amending s. 230.23, F.S.; revising provisions relating to programs for students in residential care facilities; revising provisions relating to school board duties in admitting, classifying, promoting, and graduating students; amending s. 230.2316, F.S.; revising provisions relating to educational alternatives programs; amending s. 230.645, F.S.; revising provisions relating to postsecondary adult student fees; amending s. 231.02, F.S.; providing for fingerprinting of certain personnel; amending s. 231.095, F.S.; deleting provisions relating to reporting of teachers assigned out-of-field; amending s. 231.15, F.S.; revising provisions relating to positions for which certificates are required; amending s. 231.17, F.S.; revising provisions relating to requirements for teacher certification and demonstration of competencies; providing for personnel records; amending s. 231.1711, F.S.; revising provisions relating to issuance of a teaching certificate; amending s. 231.1712, F.S., to conform; amending s. 231.1725, F.S.; conforming provisions; creating s. 231.1735, F.S.; providing requirements for certification of out-of-state administrators; providing for review and repeal; amending ss. 231.30 and 231.36, F.S.; conforming provisions relating to certification; amending s. 231.47, F.S.; correcting a cross reference; amending s. 231.471, F.S.; providing for certain qualified part-time teachers; amending s. 231.603, F.S.; conforming provisions; amending s. 232.01, F.S.; revising provisions relating to regular school attendance; amending s. 232.0315, F.S.; requiring school health examinations for entry to prekindergarten; amending s. 232.032, F.S.; revising provisions relating to immunizations; amending s. 232.06, F.S.; providing requirements for the child care exemption from compulsory school attendance; amending s. 232.145, F.S.; providing for information relating to exceptional students; amending s. 232.245, F.S.; revising provisions relating to pupil progression; amending s. 232.246, F.S.; deleting obsolete language; amending s. 232.2461, F.S.; correcting a cross reference; amending s. 232.2465, F.S.; revising requirements to qualify as a Florida Academic Scholar; amending s. 232.247, F.S.; revising provisions relating to high school graduation requirements for certain exceptional students; amending s. 232.26, F.S.; providing for recommendation of expulsion of handicapped students; amending s. 232.3015, F.S.; revising provisions relating to outreach programs for educationally deprived children; amending s. 233.0575, F.S.; revising provisions relating to funding for mathematics/science mentor teachers; amending s. 233.0625, F.S.; deleting Department of Education responsibility for the traffic education program; amending s. 233.0663, F.S.; designating grade level at which D.A.R.E. Program is taught; providing exceptions; requiring annual program evaluations; amending s. 233.0664, F.S.; adding the Governor or his designated appointee to the D.A.R.E. Board of Directors; amending s. 234.01, F.S.; revising provisions relating to transportation of students; amending s. 234.02, F.S.; revising provisions relating to children standing on a school bus; amending s. 234.051, F.S.; correcting a cross reference; amending s. 234.091, F.S.; revising general qualifications of school bus drivers; amending s. 236.013, F.S.; including prekindergarten handicapped students in the definition of full-time equivalent students; amending s. 236.081, F.S.; revising provisions relating to calculation of full-time equivalent students for small, isolated high schools and the calculation of the extended day supplement; amending s. 236.088, F.S.; correcting a cross reference; amending s. 236.1223, F.S.; revising provisions relating to writing skills instruction; amending s. 236.1228, F.S.; revising a statewide indicator for improving student productivity; amending s. 236.13, F.S.; revising provisions relating to temporarily advancing moneys from one fund to another; amending s. 237.02, F.S.; revising provisions relating to expenditure of funds; amending s. 237.091, F.S.; specifying a cross reference relating to certification of assessed valuation of property; amending s. 237.34, F.S.; correcting cross references; amending s. 240.402, F.S.; revising provisions relating to awards from the Florida Undergraduate Scholars' Fund; amending s. 240.604, F.S.; correcting a cross reference; amending ss. 246.041 and 246.207, F.S.; conforming provisions;

amending s. 228.061, F.S.; deleting provisions relating to nursery schools and providing for preschool programs; amending s. 230.2305, F.S.; revising provisions relating to the prekindergarten early intervention program; deleting obsolete language; revising requirements for plan approval; amending s. 230.2312, F.S.; revising provisions relating to promotion from the Florida Primary Education Program; amending ss. 231.1713 and 402.3057, F.S.; providing that noninstructional personnel need not be fingerprinted under certain circumstances; amending s. 232.045, F.S.; providing eligibility for admission to preschool programs; repealing s. 232.05, F.S., relating to eligibility for nursery schools; amending s. 229.555, F.S.; deleting a reporting requirement; revising provisions relating to educational accountability; amending s. 230.2305, F.S.; revising provisions relating to the prekindergarten early intervention program; revising training requirements; creating s. 234.301, F.S.; authorizing nonpublic schools to participate in the state pool purchase of school buses, providing conditions for such participation; amending s. 237.211, F.S.; allowing school boards to contract with a third-party administrator to handle employees' fringe benefit programs; directing statute editors to change the title of s. 229.814, F.S., relating to high school equivalency diplomas; repealing ss. 229.055, 229.552, 229.8371, 230.222, 230.23135(3)(m), 230.2405, 230.631, 230.69, 231.031, 231.165, 231.251, 231.29(1), 231.532, 231.5335, 231.5336, 231.534, 231.609(3)(d) and (e), 231.612, 231.6125, 231.615, 232.302, 233.055, 233.064, and 233.505, F.S., relating to education reports, the Florida Center for Educational Statistics, the Center for Middle Grades Education, playing of "Dixie," conforming provisions, accreditation of schools, area vocational centers, Youth Enhancement Services Centers, maximum age for employment of instructional personnel, prevention counselors, adjunct instructors, records of personnel, district quality instruction incentives, the Raymond B. Stewart Career Achievement Program, the Professional Teacher Career Development Council, subject area examinations, conforming provisions, school-focused program improvement, professional development plans, the Visiting School Scholars Program, the Florida Center for Dropout Prevention, remedial reading education plan, Americanism versus Communism course, and art or craft materials; providing effective dates.

—was referred to the Committees on Education and Appropriations.

By the Committee on Vocational/Technical Education and Representative Pruitt and others—

**CS for HB 1665**—A bill to be entitled An act relating to job training; amending s. 446.205, F.S.; providing for a Job Training Partnership Act family dropout prevention program; providing for development and implementation of a program; providing for funding; providing requirements for participation in the program; deleting provisions relating to incentive awards; amending s. 446.22, F.S.; revising definitions; amending s. 446.23, F.S.; revising terminology and mentor obligations; amending s. 446.24, F.S.; revising youth participant obligations; amending s. 446.25, F.S.; providing for coordination of services by service delivery areas and revising advisory council purposes; amending s. 446.26, F.S.; revising funding provisions; amending s. 446.27, F.S.; revising reporting requirements; providing an effective date.

—was referred to the Committees on Education; International Trade, Economic Development and Tourism; and Appropriations.

By the Committee on Criminal Justice and Representative Hanson and others—

**CS for HB's 1725 and 1875**—A bill to be entitled An act relating to prostitution; amending s. 796.03, F.S.; raising the age for procurement for which criminal penalties are provided by law, and reenacting ss. 772.102(1)(a)14., 787.01(3)(a)4., 787.02(3)(a)4., and 895.02(1)(a)16., F.S., relating to civil remedies for criminal practices, kidnapping, false imprisonment, and racketeering, to incorporate said amendment in references thereto; amending s. 796.06, F.S., relating to renting space to be used for lewdness, assignation, or prostitution; providing a penalty upon a second or subsequent conviction; amending s. 796.07, F.S., relating to prostitution; providing a penalty upon a second or subsequent conviction; amending s. 796.08, F.S., relating to screening for sexually transmissible diseases; authorizing certain entities to have access to test results; increasing penalties; reenacting s. 381.609(3)(i)1.a., F.S., relating to HIV testing, to incorporate said amendment in a reference thereto; amending s. 893.138, F.S.; including prostitution-related activities in a provision of law permitting local administrative action to abate a public nuisance; providing that orders issued by local administrative boards may be enforced pursuant to certain procedures in the Administrative Procedure Act; providing that

such boards may seek temporary and permanent injunctive relief; providing an effective date.

—was referred to the Committees on Criminal Justice and Community Affairs.

By the Committee on Finance and Taxation; and Representative Sanderson—

**CS for HB 1747**—A bill to be entitled An act relating to local government; amending s. 163.514, F.S., and repealing subsections (15), (16), and (18), relating to the power to issue revenue bonds and to pledge revenues to the payment thereof and to make and collect general assessments; authorizing such districts to make and collect special assessments; requiring referendum approval and providing requirements with respect thereto; amending s. 163.04, F.S., to remove the prohibition on the installation of a clothesline by local ordinance or binding agreement; amending s. 170.01, F.S., which provides an alternative method for municipalities to make improvements and levy special assessments against property benefited; providing additional projects which may be funded by said method; revising provisions which require approval of affected property owners for offstreet parking facilities, parking garages, and mass transportation systems; authorizing all municipalities to levy special assessments for stabilizing and improving business and historic districts; providing that bond proceeds shall not be used for operation of such districts; amending s. 170.11, F.S.; revising provisions relating to sources from which bonds are payable; authorizing issuance of refunding bonds; amending s. 170.17, F.S.; revising provisions relating to payment of interest on bonds; providing an effective date.

—was referred to the Committees on Community Affairs; and Finance, Taxation and Claims.

By Representative Deutsch—

**HB 1857**—A bill to be entitled An act relating to motor vehicle insurance; amending s. 327.19, F.S.; requiring that an insurer paying compensation for a total loss to a vessel obtain the title certificate and forward it to the Department of Natural Resources; providing penalties for violations; amending s. 319.30, F.S.; specifying guides that may be used to determine the value of a vehicle for purposes of applicability of provisions relating to salvage; amending s. 627.0653, F.S.; specifying the type of antilock brakes that qualify a vehicle for an antilock brake insurance premium discount; amending s. 627.728, F.S.; revising the definition of "renewal" for purposes of motor vehicle insurance; requiring notice of intention to transfer a policy from one insurer to another insurer under the same ownership or management; amending s. 627.6051, F.S.; eliminating notice of cancellation requirements for certain health insurance policies; amending s. 627.736, F.S.; applying a medical fee schedule to certain personal injury protection benefits; amending s. 626.2815, F.S.; changing certain continuing education requirements for insurance agents and other licensees; amending s. 627.736, F.S.; allowing motor vehicle insurers to utilize preferred provider arrangements under personal injury protection benefits and to give insureds the option to use such providers under certain conditions; requiring review by a physician under the same licensing chapter; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By Representative Roberts—

**HB 1907**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.055, F.S.; providing that the projects proposed to be funded by the local government infrastructure surtax may be voted on individually; specifying effect of disapproval of projects; providing an effective date.

(Substituted for **CS for SB 1582** on the special order calendar this day.)

By the Committees on Finance and Taxation; and Community Affairs; and Representatives C. F. Jones and Pruitt—

**CS for CS for HB 2029**—A bill to be entitled An act relating to special districts; amending s. 75.05, F.S.; specifying that validation of bonds of community development districts under chapter 75, F.S., is mandatory, except in refunding issues; amending s. 190.003, F.S.; revising definitions under the Uniform Community Development District Act of 1980; amending s. 190.006, F.S.; revising provisions relating to election of members of the district board of supervisors; providing for supervisors' oath of office; revising compensation of supervisors; amending s. 190.011, F.S.;

revising the powers of the board; amending s. 190.013, F.S., relating to assessments levied for water management and control plans, to conform; amending s. 190.016, F.S.; revising bond resolution requirements; providing for construction regarding use of bond proceeds; amending s. 190.021, F.S.; authorizing such boards to levy benefit special assessments and maintenance special assessments for district facilities and projects; providing requirements with respect thereto; providing for collection and enforcement; providing for effect on existing taxes and assessments; amending s. 190.022, F.S.; revising provisions relating to the levy of special assessments and the use thereof; amending s. 190.033, F.S.; revising provisions relating to bid requirements for district contracts; providing for application of the Consultants' Competitive Negotiation Act; providing requirements for contracts for maintenance and other services; amending s. 190.035, F.S.; revising provisions relating to adoption of rates and fees for district facilities and services; amending s. 190.046, F.S.; providing procedures for contraction or expansion of a district; providing petition requirements; providing duties of counties, municipalities, district boards, and the Florida Land and Water Adjudicatory Commission; providing for filing fees; providing limitations on use of such procedures; amending s. 388.021, F.S.; specifying requirements for creation of mosquito control districts; amending s. 388.141, F.S.; providing criteria for board member compensation; providing an effective date.

—was referred to the Committees on Community Affairs; Finance, Taxation and Claims; and Appropriations.

By the Committee on Insurance and Representative Rayson—

**CS for HB 2089**—A bill to be entitled An act relating to warranty associations; amending s. 627.6085, F.S.; providing circumstances under which written notice of cancellation is not required for health insurance policies; amending s. 627.7275, F.S.; requiring motor vehicle insurers to make available certain noncancellable liability coverage when necessary to reinstate an applicant's driving privilege; amending s. 627.7295, F.S.; limiting cancellation of new motor vehicle insurance policies; amending s. 627.311, F.S.; requiring the joint underwriting plan for motor vehicle insurance to make certain noncancellable liability coverage available; amending s. 627.733, F.S.; requiring a person reinstating personal injury protection insurance after certain suspension or revocation of driving privilege to also secure certain noncancellable liability coverage; providing for notice; amending s. 627.351, F.S.; requiring the motor vehicle insurance risk apportionment plan to make available certain noncancellable liability coverage; amending s. 627.736, F.S.; authorizing insurers to enter into preferred provider arrangements for benefits under personal injury protection policies and provide the insured with the option of using such preferred providers; amending s. 624.482, F.S.; providing for standards in determining whether rates are excessive, inadequate, or discriminatory; revising provisions relating to motor vehicle service agreement companies; amending s. 634.011, F.S.; revising and adding definitions; amending s. 634.031, F.S.; revising activities and entities subject to licensure; amending s. 634.041, F.S.; revising qualifications for licensure; creating s. 634.044, F.S.; providing requirements for assets and liabilities; amending s. 634.052, F.S.; revising deposit requirements; amending s. 634.061, F.S.; revising information required in application for licensure; amending s. 634.071, F.S.; providing for continuous licensing; amending s. 634.081, F.S.; revising grounds for the suspension and revocation of a license; creating s. 634.095, F.S.; prohibiting certain acts and providing for criminal penalties in addition to disciplinary action; amending s. 634.101, F.S.; providing for extended jurisdiction of the Department of Insurance in certain circumstances; amending s. 634.121, F.S.; revising the requirements for provisions in warranty forms and contracts; amending s. 634.1213, F.S.; providing additional grounds for the disapproval of forms and advertisements; amending s. 634.1216, F.S.; deleting certain exceptions relevant to rate filings; amending s. 634.131, F.S.; revising fine requirements with respect to filing of certain forms; amending s. 634.141, F.S.; providing for limited waiver of examination requirement; amending s. 634.171, F.S.; providing for licensure and appointment of salesmen; amending ss. 634.181, 634.191, 634.201, 634.211, 634.251, and 634.2515, F.S.; conforming terminology; creating s. 634.242, F.S.; providing for injunctive proceedings; amending s. 634.252, F.S.; deleting obsolete reference; creating s. 634.281, F.S.; providing that unfair trade practices are prohibited; revising provisions relating to home warranty associations; amending ss. 634.308, and 634.3123, F.S.; deleting limitations on home warranty renewals; amending s. 634.317, F.S.; providing for licensure and appointment of sales representatives; amending ss. 634.318, 634.319, 634.320, 634.321, 634.322, 634.3225, 634.323, 634.324, and 634.328, F.S.; conforming terminology; revising provisions relating to service warranty associations; amending s. 634.401, F.S.; revising definitions; amending s.



634.403, F.S.; providing for cease and desist orders; amending s. 634.404, F.S.; revising qualifications for license; amending s. 634.405, F.S.; deleting exception to deposit requirement; amending s. 634.406, F.S.; revising financial requirements; creating s. 634.4061, F.S.; providing for assets and liabilities; amending s. 634.407, F.S.; requiring additional information on applications; amending s. 634.408, F.S.; providing for continuous licensing; amending s. 634.409, F.S.; providing an additional ground for suspension or revocation of the license; amending s. 634.411, F.S.; providing for extended jurisdiction of the department under certain circumstances; amending s. 634.414, F.S.; revising cancellation refund provisions; amending s. 634.415, F.S.; providing for the disapproval of forms; amending s. 634.415, F.S.; providing a penalty for failure to timely file annual statements or quarterly reports; amending s. 634.419, F.S.; providing for the licensure and appointment of sales representatives; amending s. 634.420, F.S.; providing criteria for licensure; amending ss. 634.421, 634.422, 634.423, 634.424, 634.425, and 634.426, F.S.; conforming terminology; amending s. 624.501, F.S.; providing for appointment fees for sales representatives of miscellaneous lines of insurance; amending s. 634.3123, F.S.; revising language with respect to disapproval of forms; saving chapter 634 from repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Health and Rehabilitative Services; and Representative Frankel—

**HB 2321**—A bill to be entitled An act relating to children; amending s. 39.01, F.S.; providing definitions; amending s. 39.41, F.S.; providing additional disposition options to the court in dependency proceedings; amending s. 39.453, F.S.; providing timeframes for certain judicial reviews; amending s. 409.165, F.S.; providing legislative intent for the expenditure of certain funds; providing for certain funds to be used to meet the needs of dependent children; amending ss. 415.515, 415.516, 415.518, 415.519, 415.520, 415.521, and 415.522, F.S.; revising provisions of the Family Builders Program; providing an effective date.

—was referred to the Committees on Judiciary; Health and Rehabilitative Services; and Appropriations.

By the Committee on Regulatory Reform and Representatives Tobin and Morse—

**HB 2411**—A bill to be entitled An act relating to professions and occupations; creating part IV of chapter 489, F.S., the Florida Irrigation Regulation Act; providing findings and definitions; providing for application; providing requirements of the Construction Industry Licensing Board with respect to administration and rulemaking; requiring certification of irrigation contractors and providing requirements relating to application, eligibility, examination, and identification; providing for certificate renewal and inactive status; providing for certification fees; providing exemptions from certain requirements; providing for disciplinary actions; creating an advisory council and providing for membership, terms, and duties thereof; providing for review and repeal; providing an appropriation; amending s. 466.006, F.S.; revising requirements applicable to applicants who are graduates of certain colleges or schools not accredited or approved; providing an effective date.

—was referred to the Committees on Professional Regulation and Appropriations.

By the Committee on Regulated Services and Technology; and Representative C. Smith—

**HB 2467**—A bill to be entitled An act relating to the Public Service Commission; amending s. 350.001, F.S.; providing legislative intent; amending s. 350.01, F.S.; providing that commissioners currently in office may qualify for reappointment; removing obsolete language; providing for the referral of proceedings to the Division of Administrative Hearings; revising requirements relating to persons who may request that a proceeding be assigned to the full commission; amending s. 350.03, F.S.; providing powers of the Governor and Senate in suspension and removal of commissioners; amending s. 350.031, F.S.; revising requirements for appointment of members of the Florida Public Service Commission Nominating Council; requiring certain certification by appointees; eliminating the power of the council to appoint commissioners under certain circumstances; amending s. 350.04, F.S.; providing qualifications of commissioners; amending s. 350.041; adding gift restrictions; amending s. 350.06, F.S., and repealing subsections (7) and (9), relating to fees charged for access to records and to a book for the recording thereof; removing a limitation on compensation of official reporters; removing obsolete language;

amending s. 350.0605, F.S.; clarifying restrictions on representation before the commission by former commissioners and employees; placing limits on post-commission employment; amending s. 350.0611, F.S.; conforming language; amending s. 350.111, F.S.; revising the definition of “regulated company”; amending s. 350.113, F.S.; removing obsolete language with respect to the Florida Public Service Regulatory Trust Fund; deleting provisions relating to imposition of regulatory assessment fees based upon gross operating revenues; revising the definition of “regulated company” for purposes of the section; amending s. 350.115, F.S.; removing obsolete language; amending s. 350.117, F.S.; removing obsolete language; providing for financial and performance audits of the commission by the Auditor General; amending s. 350.121, F.S., which provides an exemption from public records requirements for certain information obtained by the commission in connection with an inquiry; revising said exemption; providing requirements with respect to inquiries; providing a definition; providing for a time limit on confidentiality; providing for future review and repeal; amending s. 350.127, F.S.; increasing a penalty; repealing s. 350.80(2), F.S., relating to regulation of coal slurry pipeline companies, to remove obsolete language; amending s. 364.337, F.S.; deleting a cross reference; providing an effective date.

—was referred to the Committees on Commerce; Rules and Calendar; Executive Business, Ethics and Elections; and Finance, Taxation and Claims.

By the Committee on Criminal Justice and Representative Martinez—

**HB 2509**—A bill to be entitled An act relating to sentencing; providing that commission of a capital felony by a person under community control is an aggravating circumstance; providing for legislative adoption and implementation of revisions to sentencing guidelines promulgated by the Florida Supreme Court in accordance with s. 921.001, F.S.; providing a severability clause; providing an effective date.

—was referred to the Committees on Criminal Justice; Rules and Calendar; and Appropriations.

By Representative Hargrett—

**HJR 191**—A joint resolution proposing to create Section 16 of Article X of the State Constitution relating to drawings by chance.

—was referred to the Committees on Criminal Justice; and Rules and Calendar.

By Representative Boyd and others—

**HM 2673**—A memorial to the Congress of the United States, urging it to contact the President of the United States, the United States Trade Representative, and the Secretary of the Department of Agriculture in opposition to the importation of peanuts.

—was referred to the Committees on Agriculture; and Rules and Calendar.

## RETURNING MESSAGES ON SENATE BILLS

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 318 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 318**—A bill to be entitled An act relating to water resources; amending s. 373.103, F.S.; providing for the Department of Environmental Regulation to delegate to local governments the enforcement of storm-water permitting or surface water management programs; amending s. 373.129, F.S.; authorizing such local governments to maintain actions and deposit civil penalties into a local water pollution control trust fund and use those funds for specified purposes; providing an effective date.

**House Amendment 1**—On page 4, between lines 9 and 10, insert:

Section 3. Paragraph (b) of subsection (3) of section 373.503, Florida Statutes, is amended to read:

373.503 Manner of taxation.—

(3)

(b) ~~The maximum millage assessed for district purposes shall not exceed 25 percent of the total authorized millage when there are one or~~



~~more basins in a district, and the maximum millage assessed for basin purposes shall not exceed 75 percent of the total authorized millage, except that:~~

4. The apportionment in the South Florida Water Management District shall be a maximum of 40 percent for district purposes and a maximum of 60 percent for basin purposes, respectively.

(c) 2. Within the Southwest Florida Water Management District, the maximum millage assessed for district purposes shall not exceed 50 40 percent of the total authorized millage when there are one or more basins in the district, and the maximum millage assessed for basin purposes shall not exceed 50 60 percent of the total authorized millage.

Section 4. Section 373.199, Florida Statutes, is created to read:

373.199 Water management district agricultural advisory committees.—

(1) The governing board of each water management district shall form an agricultural advisory committee consisting of representatives from the major commodity groups within the boundaries of the water management district.

(2) The duties of the committee include, but are not limited to:

(a) Making recommendations to the governing board of the water management district regarding policies that impact upon agricultural operations and businesses.

(b) Advising the governing board regarding the exercise of the powers granted to the district under chapter 373, regarding water policy as it affects agricultural operations, farms, businesses, and employees.

(c) Advising and informing the governing board of new developments in agricultural technology, practices, and methods that impact upon the use of water.

(d) Advising and informing the governing board of agricultural technology, practices, and methods that impact on the use of water.

(e) Considering all matters submitted to it by the governing board, the Department of Environmental Regulation, and the Department of Agriculture and Consumer Services.

Section 5. The Legislature shall review and comment on the regulatory programs under parts II, III, and IV of chapter 373, Florida Statutes, according to the following schedule:

(1) Part IV of chapter 373, Florida Statutes, consisting of sections 373.403, 373.406, 373.409, 373.413, 373.414, 373.415, 373.416, 373.417, 373.418, 373.419, 373.423, 373.426, 373.429, 373.433, 373.436, 373.439, 373.443, 373.451, 373.453, 373.455, 373.456, 373.457, 373.459, 373.4595, and 373.4596, Florida Statutes, is scheduled for review and comment prior to October 1, 1992.

(2) Part II of chapter 373, Florida Statutes, consisting of sections 373.203, 373.206, 373.207, 373.209, 373.213, 373.216, 373.217, 373.219, 373.223, 373.2235, 373.224, 373.226, 373.229, 373.2295, 373.232, 373.233, 373.236, 373.239, 373.243, 373.244, 373.245, 373.246, and 373.249, Florida Statutes, is scheduled for review and comment prior to October 1, 1993.

(3) Part III of chapter 373, Florida Statutes, consisting of sections 373.302, 373.303, 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323, 373.324, 373.325, 373.326, 373.329, 373.333, 373.335, 373.336, 373.337, and 373.342, Florida Statutes, is scheduled for review and comment prior to October 1, 1994.

Section 6. In addition to rulemaking procedures required pursuant to chapter 120, Florida Statutes, the water management districts, when proposing to adopt, amend, or repeal any rule, shall provide notice of intent by publication in a newspaper of general circulation in the affected area. The publication notice shall summarize the proposed rule and shall occur at least 14 days prior to the intended action.

Section 7. Section 373.421, Florida Statutes, is created to read:

373.421 Formal wetland determinations.—

(1) A water management district may provide a process by rule for formal wetland determinations. If a rule is adopted, a property owner, an entity that has the power of eminent domain, or any other person who has a legal or equitable interest in property may petition the district for a formal wetland determination. In such rule, the governing board shall

specify information which must be provided and may require authorization to enter upon the property. The rule shall also establish procedures for issuing a formal wetland determination. The governing board may authorize its executive director to issue formal wetland determinations. The governing board must, by rule, prescribe the circumstances in which its executive director may issue such determinations. The governing board may require a fee to cover the costs of processing and acting upon the petition. That fee must be established by rule.

(2) A formal wetland determination is binding for a period not to exceed 5 years, as long as physical conditions on the property do not change so as to alter the wetland boundaries during that period.

(3) The governing board may revoke a formal wetland determination if it finds that the petitioner has submitted inaccurate information to the district.

(4) A formal wetland determination obtained under this section is final agency action and is in lieu of a declaratory statement of jurisdiction obtainable under s. 120.565. Sections 120.57 and 120.59 apply to formal wetland determinations under this section.

(5) The district may also issue informal wetland determinations or otherwise institute wetland determinations on its own initiative as provided by law.

(Renumber subsequent section.)

**House Amendment 2**—In title, on page 1, between lines 11 and 12, insert: amending s. 373.503, F.S.; deleting obsolete language; revising the apportionment of millage levied by the Southwest Florida Water Management District; creating s. 373.199, F.S.; requiring water management districts to establish agricultural advisory committees; providing duties of the committees; requiring legislative review of water management district regulatory programs under parts II, III, and IV of ch. 373, F.S.; requiring districts to provide, by publication in a local newspaper, notice of intent to adopt, amend, or repeal any rule; creating s. 373.421, F.S.; authorizing water management districts to conduct wetland determinations;

On motions by Senator Grizzle, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House.

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 558 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 558**—A bill to be entitled An act relating to the sale of money orders; amending ss. 560.01, 560.02, 560.03, 560.04, 560.06-560.11, 560.16, F.S.; deleting obsolete language; updating, simplifying, and clarifying certain language; revising qualifications for a license to engage in business of selling money orders; amending s. 560.05, F.S.; eliminating requirement that license applications be made in writing and under oath; creating s. 560.131, F.S.; providing grounds for disciplinary action against a licensee; creating s. 560.133, F.S.; providing for department investigations and examinations and the handling of complaints; amending s. 560.135, F.S.; providing powers of the department; amending s. 560.151, F.S.; providing for the collection of fees, charges, and fines and for deposit into the State Treasury to the credit of the Division of Finance's Regulatory Trust Fund; amending s. 560.17, F.S.; providing a penalty; repealing s. 560.13, F.S., relating to revocation of a license to sell money orders and inspections of books and records; repealing s. 560.137, F.S., which authorizes injunctions against violators; repealing s. 560.138, F.S., which authorizes cease and desist orders and administrative fines; repealing s. 560.15, F.S., which authorizes rules; repealing s. 560.201, F.S., which requires the recording of the sale of certain money orders; reviving and readopting portions of ch. 560, F.S., notwithstanding its scheduled repeal; providing for future repeal and review pursuant to the Regulatory Sunset Act; providing an effective date.

**House Amendment 1**—On page 2, line 8, strike everything after the enacting clause and insert:

Section 1. Section 560.01, Florida Statutes, is amended to read:

560.01 Short title.—*Sections 560.01-560.201 This act may be cited as the "Sale of Money Orders Act."*

Section 2. Section 560.02, Florida Statutes, is amended to read:

560.02 Definitions.—For the purposes of ss. 560.01-560.201 ~~this act~~:

(1) "Person" means any individual, partnership, unincorporated association, joint stock association, trust, or corporation, however organized, but does not include the United States Government or the government of this state or any department or agency of either thereof.

(2) "Licensee" means a person duly licensed by the Department of Banking and Finance pursuant to ss. 560.01-560.201 ~~this act~~.

(3) "Money order" means any check, travelers check, draft, ~~money order~~, personal money order, or other instrument for the transmission or payment of money whether or not it is a negotiable instrument under the laws of this state.

(4) "Personal money order" means any instrument for the transmission or payment of money in relation to which the purchaser or remitter appoints or purports to appoint the seller thereof as his agent for the receipt, transmission, or handling of money, whether such instrument be signed by the seller or by the purchaser or remitter or some other person.

(5) "Sell" means to sell, to issue, or to deliver a money order.

(6) "Deliver" means to deliver a money order to the purchaser who in payment for same makes or purports to make a remittance of or against the face amount thereof, whether or not the deliverer also charges a fee in addition to the face amount, and whether or not the deliverer signs the money order.

(7) "Department" means the Department of Banking and Finance.

Section 3. Section 560.03, Florida Statutes, is amended to read:

560.03 License required to engage in business of selling or issuing money orders.—

(1) No person shall engage in the business of selling or issuing money orders as a service or for a fee or other consideration without having first obtained a license hereunder. ~~Any person engaged in such business on July 1, 1965, and who files a license application hereunder with the department within 30 days from July 1, 1965, may continue to engage in such business without a license until the department has acted upon his application for a license.~~ The provisions of this subsection apply to any nonresident who engages in this state in the business of selling or issuing money orders through a branch, subsidiary, affiliate, or agent in this state.

(2) Nothing in ss. 560.01-560.201 ~~this act~~ applies to financial institutions or to incorporated telegraph companies insofar as such incorporated telegraph companies receive money at any of their respective offices or agencies for immediate transmission by telegraph.

Section 4. Section 560.04, Florida Statutes, is amended to read:

560.04 Qualifications of applicant for license.—To qualify for a license under ss. 560.01-560.201, ~~hereunder~~ an applicant ~~must~~ shall meet and demonstrate to the department that ~~he meets the following requirements~~:

(1) The applicant's net worth plus ~~long-term~~ long-term debt ~~is shall~~ be at least \$1,000,000 ~~\$1 million~~ computed according to generally accepted accounting principles ~~and, provided that the applicant's net worth is shall be at least \$500,000. Long-term debt may be computed together with the net worth in reaching the \$1,000,000 requirement so long as the applicant's net worth is at least \$500,000.~~ The applicant shall file with a new or renewal application for license a balance sheet, certified as of the date of the end of the applicant's fiscal year next preceding the date of filing, which shall be audited by an independent certified public accountant ~~or independent public accountants~~.

(2) The financial responsibility, financial condition, business experience, character, and general fitness of the applicant ~~shall be such as reasonably to warrant the belief that the applicant's business will be conducted honestly, carefully, and efficiently. To the extent deemed advisable by the department,~~ The department may investigate, require a showing of and consider the qualifications of officers, directors, and trustees of an applicant in determining whether the qualifications of ~~this subsection mentioned in this section~~ are met.

(3) The applicant shall tender to the department the bond or alternative securities and the statements and fees prescribed by ss. 560.01-560.201 ~~this act~~.

Section 5. Section 560.05, Florida Statutes, is amended to read:

560.05 Application for license; contents.—Each application for a license ~~must be submitted to the department on such forms as the department prescribes by rule. The departmental forms shall be made to the department in writing and under oath in such form as the department may prescribe, and shall truthfully and accurately make such statements and certifications and set forth such information as the department may reasonably requires require,~~ including the following:

(1) The full name, residence, and business address of:

(a) The proprietor, if the applicant is an individual.

(b) ~~Each Every~~ partner or member, if the applicant is a partnership or other unincorporated organization however organized having less than 50 partners or members, together with the business name and business address of the partnership or other organization.

(c) The principal partners or members, if the applicant is a partnership or an unincorporated organization however organized having 50 or more partners or members, together with the business name and business address of the partnership or other organization.

If such unincorporated organization has officers and a board of directors, the full name and business address of each officer and director may be ~~provided set forth in lieu and~~ instead of the full name and business address of its principal members.

(d) The corporation and each officer and director thereof, if the applicant is a corporation.

(e) ~~Each Every~~ trustee and officer if the applicant is a trust.

(2) Such other ~~reasonable data, financial statements and~~ pertinent information as the department ~~requires may require~~ with respect to the applicant, its directors, trustees, officers, members, branches, subsidiaries, and affiliates.

Section 6. Section 560.06, Florida Statutes, is amended to read:

560.06 Application, investigation fee, bond, deposit of securities in lieu of bond.—Each application for a license ~~must~~ shall be accompanied by:

(1) A nonrefundable ~~An~~ investigation fee of \$250. ~~However, if the license is granted, the investigation fee shall also constitute, which shall be paid by each applicant which is an issuing company and which shall not be subject to refund, but which, if the license be granted, shall constitute the license fee for the first license year or part thereof, and also~~

(2) A fee for each location, as provided in s. 560.10.

(3)(2) A surety bond, issued by a bonding company or insurance company authorized to do business in this state, in the principal sum of \$450,000 and in an additional principal sum of \$5,000 for each location in excess of one at or through which the applicant proposes to sell or issue money orders in this state. In no event shall the ~~required~~ bond ~~exceed be required to be in excess of \$500,000. The application shall also be accompanied by a list which designates and sets forth the complete name and address of each branch, subsidiary, affiliate, agent, or other location at or through which the applicant proposes to issue or sell money orders. Each company shall also file annually, at the time of application for license, a supplemental or amended list which shall set forth each location which was in operation at any time from and after July 1, 1973, up to date of filing such list; and thereafter, beginning on April 30, 1974, such amended list shall show all such locations which were in operation at any time during the preceding year. The bond must shall be in a form satisfactory to the department and shall run to the state for the benefit of any claimants against the applicant or his agents to secure the faithful performance of the obligations of the applicant and his agents with respect to the receipt, handling, transmission, and payment of money in connection with the sale of money orders. The aggregate liability of the surety in no event shall exceed the principal sum of the bond. Such claimants against the applicant or his agents may themselves bring suit directly on the bond, or the Department of Legal Affairs may bring suit thereon in behalf of such claimants, either in one action or in successive actions.~~

(4)(3) In lieu of such corporate surety bond ~~or bonds~~, or of any portion of the principal thereof as required by this section, the applicant may deposit with the State Treasurer securities approved by and acceptable to the department in an aggregate amount, based upon ~~either the~~

principal amount or market value, whichever is lower, of not less than the amount of the required corporate surety bond or portion thereof. The securities eligible for deposit hereunder ~~must shall~~ meet the same requirements as are provided by law for securities eligible to be deposited by banks to secure deposits of state funds. The securities shall be deposited with the Treasurer ~~as aforesaid and held~~ to secure the same obligations as would the corporate surety bond, but the depositor ~~is shall be~~ entitled to receive all interest and dividends thereon ~~and may, shall have~~ the right, with the approval of the department, ~~to substitute other securities for those deposited. The department, by a showing of good cause and by written order, may require the depositor to substitute other securities, and shall be required so to do on written order of the department made for good cause shown.~~

(5) A list which sets forth the complete name and address of each branch, subsidiary, affiliate, agent, or other location at or through which the applicant proposes to sell money orders. Each company must also file annually, at the time of license renewal, a supplemental or amended list which sets forth each location which was in operation at any time during the preceding year.

(6)(4) Financial statements reasonably satisfactory to the department.

Section 7. Section 560.07, Florida Statutes, is amended to read:

560.07 Investigation of applicant by department.—Upon the filing of a properly completed ~~an~~ application in due form, accompanied by the fee, bond, and other documents required by ss. 560.01-560.201 ~~this act~~, the department shall investigate to ascertain whether the qualifications prescribed by ss. 560.01-560.201 ~~this act~~ have been met. If it finds that such qualifications have been met, and if it approves the said bond and other documents, it shall issue to the applicant a license to engage in the business of selling and issuing money orders in this state. Any license issued under ss. 560.01-560.201 ~~pursuant to this act~~ shall remain in force and effect through April 30 next following its date of issuance unless earlier surrendered, suspended, or revoked.

Section 8. Section 560.08, Florida Statutes, is amended to read:

560.08 Maintenance of qualification of licensee required; renewal of bond; notice of cancellation.—

(1) ~~A After a license has been granted, the licensee must~~ shall at all times have and maintain the licensing qualifications required by ss. 560.01-560.201 ~~this act for the granting of an original license pursuant to this act, and must shall maintain the said bond or securities in the amount prescribed by ss. 560.01-560.201 this act.~~

(2) Each licensee who does not have on file or deposit a bond or securities in the undiminished principal sum of \$500,000 ~~must shall~~ file quarterly reports with the department setting forth the locations, including the full names and addresses of such locations at or through which the licensee ~~he~~ sells or issues money orders in this state as of January 1, April 1, July 1, and October 1 of each year. The report is due on or before the 15th day of each such month in each year, the report for each such date being due on or before the fifteenth day thereafter. Within 10 days following the filing of such a report, the principal sum of the bond or securities shall be increased to reflect any increase in the number of locations, and may be decreased to reflect any decrease in the number of locations.

(3) If the department ~~shall~~ at any time reasonably ~~determines determine~~ that the bond or securities ~~aforesaid~~ are insecure, deficient in amount, or exhausted in whole or in part, it may by written order require the filing of a new or supplemental bond or the deposit of new or additional securities in order to secure compliance with ss. 560.01-560.201. Such an order by the department ~~must this act, such order to be~~ complied with within 30 days following service thereof upon the licensee.

(4) A bond filed with the department for purposes of compliance with ss. 560.01-560.201 ~~this act~~ may not be canceled either by the licensee or the corporate surety except upon notice to the department by registered or certified mail with return receipt requested. A cancellation ~~shall not take effect, the cancellation to be effective not less than 30 days after receipt by the department of such notice.~~

(5) The corporate surety ~~must, shall~~ within 10 days after it pays any claim to any claimant, give notice to the department by registered or certified mail of such payment with details sufficient to identify the claimant and the claim or judgment so paid. Whenever the principal sum of

such bond or securities is reduced by one or more recoveries or payments, the licensee ~~must shall~~ furnish a new or additional bond or new or additional securities so that the total or aggregate principal sum of such bond or securities ~~equals shall equal~~ the sum required under s. 560.06(3). ~~Alternatively, a licensee may s. 560.06(2), or shall~~ furnish an endorsement duly executed by the corporate surety reinstating the bond to the required principal sum thereof.

Section 9. Section 560.09, Florida Statutes, is amended to read:

560.09 Renewal of license or certificate; annual license fee.—A license and the certificates of agents or subagents may be renewed for the 12-month period or the remainder of any such period without proration following the date of its expiration, upon the filing with the department of an application and other statements and documents as may reasonably be required of licensees by the department. ~~However, the licensee must remain, showing that the licensee remains~~ qualified for such license under the provisions of ss. 560.01-560.201 ~~this act~~. Such renewal application and registration of agents ~~must shall~~ be filed on or after January 1 of the year in which the existing license and certificates expire ~~but before April 30 and prior to the expiration date of the existing license and certificates~~. If the application is filed prior to the expiration date of an existing license, no investigation fee shall be paid payable in connection with such renewal application, but an annual license fee of \$250 plus the fees due under s. 560.10 shall be paid with each renewal application ~~and which shall not be refunded or prorated if the renewal application is approved and the renewal license thereunder goes into effect. If a renewal application and request for agent certificates is filed with the department before April 1 of any year, the license and certificates sought to be renewed shall continue in force until the issuance by the department of the renewal applied for or until 20 days after the department has shall have refused to issue such renewal.~~

Section 10. Section 560.10, Florida Statutes, is amended to read:

560.10 Conduct of business at more than one location; appointment of agents; fees.—

(1) A licensee may conduct his business at one or more locations within this state through or by means of such agents and subagents as the licensee ~~designates may from time to time designate or appoint~~.

(2) For the privilege of ~~selling conducting, engaging in, and carrying on the business of the sale of~~ money orders as defined in this act, each issuing company ~~must shall~~ register and pay a \$5 registration fee for each location operating within this state, ~~for each location operating within this state for the conduct of such business, a registration fee in the sum of \$5 for each such location or, at the option of the company, a total annual fee of \$2,500 may be paid to register all such locations operating within the state, which shall be considered as registration for each and every location operating within this state. The payment of this \$2,500 total annual fee of \$2,500 must shall be accompanied by a written designation of all agents, subagents, branches, affiliates, or locations~~ ~~if~~ were not set forth in the original application. Upon payment and such registration, the department shall issue a certificate which ~~authorizes shall authorize~~ the company to conduct business at such locations.

Section 11. Section 560.11, Florida Statutes, is amended to read:

560.11 Financial liability of licensee.—Each licensee ~~is shall be~~ liable for the payment of all money orders which he sells ~~or issues~~, in whatever form and whether directly or through an agent, as the maker or drawer thereof according to the negotiable instrument laws of this state and regardless of whether ~~or not~~ such instrument is a negotiable instrument under the laws of this state, ~~and~~ A licensee who sells ~~or issues~~ a money order, whether directly or through an agent, upon which he is not designated as maker or drawer ~~shall nevertheless has have~~ the same liabilities with respect thereto as if he had signed the same as the drawer thereof.

Section 12. Section 560.131, Florida Statutes, is created to read:

560.131 Grounds for disciplinary action.—

(1) The following activities are violations of ss. 560.01-560.201 and constitute grounds for the disciplinary actions specified in subsection (2):

(a) Failure to comply with any provision of ss. 560.01-560.201, any rule or order adopted pursuant thereto, or any written agreement entered into with the department;

(b) Fraud, misrepresentation, deceit, or gross negligence in any money order transaction, regardless of reliance by or damage to a money order purchaser or creditor;

(c) Fraudulent misrepresentation, circumvention, or concealment of any matter required to be stated or furnished to a money order purchaser or creditor pursuant to ss. 560.01-560.201, regardless of reliance by or damage to such purchaser or creditor;

(d) False, deceptive, or misleading advertising by a licensee;

(e) Failure to maintain, preserve, and keep available for examination, all books, accounts, or other documents required by any rule or order adopted pursuant to ss. 560.01-560.201, or by any agreement entered into with the department;

(f) Refusal to permit inspection of books and records in an investigation or examination by the department or refusal to comply with a subpoena issued by the department;

(g) Criminal conduct in the course of a person's business as a seller of money orders; or

(h) Failure of the licensee to pay a judgment recovered in any court in this state by a claimant or creditor in an action arising out of a money order transaction within 30 days after the judgment becomes final.

(2) Upon a finding by the department that any person has engaged in any activity described in subsection (1), the department may enter an order taking any of the following actions:

(a) Denying an application for a license under ss. 560.01-560.201;

(b) Revoking or suspending a license previously granted under ss. 560.01-560.201;

(c) Placing a licensee or an applicant for a license on probation for a period of time, and subject to such conditions, as the department specifies;

(d) Placing permanent restrictions or conditions upon issuance or maintenance of a license pursuant to ss. 560.01-560.201;

(e) Issuing a reprimand; or

(f) Imposing an administrative fine not to exceed \$1,000 for each such act.

(3) In addition to the acts specified in subsection (1), the following acts are grounds for denial of a license, or for revocation, suspension, or restriction of a license previously granted:

(a) A material misstatement of fact in an initial or renewal application for a license;

(b) Having a license, registration, or the equivalent, to practice any profession or occupation denied, suspended, revoked, or otherwise acted against by a licensing authority in any jurisdiction for fraud, dishonest dealing, or any act of moral turpitude;

(c) Having been convicted or found guilty of, or having pleaded guilty or nolo contendere to, a crime involving fraud, dishonest dealing, or any act of moral turpitude; or

(d) Being insolvent or having a demonstrated lack of honesty or financial responsibility.

(4) It is sufficient cause for the department to take any of the actions specified in subsection (2) against any partnership, corporation, or association, if the department finds grounds for such action as to any member of the partnership, as to any officer or director of the corporation or association, or as to any person with power to direct the management or policies of the partnership, corporation, or association.

(5) Each licensee licensed under ss. 560.01-560.201 is responsible for any act of its employees and agents, if, with actual knowledge of such act, it retained profits, benefits, or advantages accruing from such act or if it ratified the conduct of its employee or agent as a matter of law or fact.

Section 13. Section 560.133, Florida Statutes, is created to read:

560.133 Investigations, examinations, and complaints.—

(1) The department or its agent may examine any licensee and investigate any other person to determine compliance with ss. 560.01-560.201. For such purposes, it may inspect the books, accounts, records, and other documents and materials of any licensee or other person. It may compel the production of all relevant books, accounts, records, and other documents and materials relative to an examination or investigation. The

department may not conduct a subsequent investigation or examination within 12 months after the date of a prior investigation or examination unless the department has sufficient reason to believe the licensee or other person is not complying with the provisions of ss. 560.01-560.201. The expenses of the department incurred in an examination of a licensee may be established by department rule but may not exceed \$250 per 8-hour day for each examiner. Such examination fee shall be calculated on an hourly basis and shall be rounded to the nearest hour. The licensee shall pay the expenses of the department for an examination within 30 days after the date a request for payment is made. The licensee shall also pay the travel expense and per diem subsistence allowance provided for state employees in s. 112.061. The licensee is not required to pay a per diem fee and expenses of an examination which consumes more than 30 worker-days in any year unless such examination is due to fraudulent practices of the licensee, in which case such licensee must pay the entire cost regardless of time consumed.

(2) All records and information obtained pursuant to an investigation or examination by the department are exempt from s. 119.07 until the investigation or examination is complete. Any complaint or information obtained pursuant to an investigation or examination is exempt from s. 119.07 to the extent disclosure would:

(a) Interfere with enforcement proceedings;

(b) Deprive a person of the right to a fair trial or an impartial adjudication;

(c) Impair the safety or soundness of any financial institution;

(d) Constitute an unwarranted invasion of personal privacy;

(e) Disclose the identity of a confidential source or, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, disclose confidential information furnished only by the confidential source;

(f) Disclose investigative techniques or procedures;

(g) Endanger the life or physical safety of any law enforcement or department personnel; or

(h) Disclose proprietary records of any person which does not constitute, and is not a part of or connected with, an unlawful activity, scheme, or device, the disclosure of which could provide an unfair advantage to another person and the disclosure of which is not clearly necessary to the public interest.

These exemptions from the provisions of s. 119.07(1) are subject to the Open Government Sunset Review Act in accordance with s. 119.14. This subsection does not prohibit the department from providing information to any law enforcement agency or any other regulatory agency.

(3) Any person who has reason to believe that any provision of ss. 560.01-560.201 has been violated may file with the department a written complaint setting forth the details of such alleged violation. The department, upon receipt of such complaint, may inspect the pertinent books, records, letters, and contracts of the licensee, and of the seller involved, relating to such specific written complaint.

(4) A privilege against civil liability is granted to any person who furnishes information or evidence, unless such person acted in bad faith or with malice in providing such information or evidence.

Section 14. Section 560.135, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 560.135, F.S., for present text.)*

560.135 Powers of department.—

(1) The department may issue and serve subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence before it in any matter pertaining to ss. 560.01-560.201. The department may administer oaths and affirmations to any person whose testimony is required. If any person refuses to testify, or produce books, records, or documents, or otherwise refuses to obey a subpoena issued under this section, the department may present its petition to a court of competent jurisdiction in or for the county in which such person resides or has its principal place of business, whereupon the court shall issue its rule nisi requiring such person to obey forthwith the subpoena issued by the department or show cause for failing to obey such subpoena. Unless the person shows sufficient cause for

failing to obey the subpoena, the court shall direct such person to obey the subpoena, subject to such punishment as the court directs, including, but not limited to, the restraint, by injunction or by appointment of a receiver, of any transfer, pledge, assignment, or other disposition of such person's assets or any concealment, alteration, destruction, or other disposition of subpoenaed books, records, or documents as the court finds appropriate, until such person has fully complied with such subpoena and the department has completed its investigation or examination. The department is entitled to the summary procedure provided in s. 51.011, and the court shall advance the cause on its calendar. Costs incurred by the department to obtain an order granting, in whole or in part, its petition shall be assessed against the subpoenaed person, and failure to comply with such order is a contempt of court. Witnesses are entitled to the same fees and mileage as they are entitled to by law for attending as witnesses in the circuit court, unless such examination or investigation is held at the place of business or residence of the witness.

(2) When it appears to the department that the compliance with a subpoena or subpoena duces tecum issued or caused to be issued by the department pursuant to this section is essential and otherwise unavailable to an investigation or examination, the department, in addition to the other remedies provided for by law, may apply to the circuit court of the county in which the subpoenaed person resides or has its principal place of business for a writ of ne exeat. The court shall thereupon direct the issuance of the writ against the subpoenaed person, requiring sufficient bond conditioned on compliance with the subpoena or subpoena duces tecum. The court shall cause to be endorsed on the writ a suitable amount of bond on payment of which the person named in the writ shall be freed, having a due regard to the nature of the case.

(3) In addition to any other powers conferred upon it to enforce or administer ss. 560.01-560.201, the department may:

(a) Bring an action in any court of competent jurisdiction to enforce or administer any provision of this chapter, any rule or order adopted under ss. 560.01-560.201, or any written agreement entered into with the department. In such action, the department may seek a temporary or permanent injunction, the appointment of a receiver or administrator, or an order of restitution. In an action in which the court appoints a receiver or administrator, the court shall confer upon him all powers and duties necessary to custody, collection, administration, winding up, and liquidation of the property and business. The court may issue an order staying all pending suits and enjoining any further suits affecting the receiver's or administrator's custody or possession of the property, assets, and business or may, with the consent of the chief judge of the circuit, require that all such suits be assigned to the circuit court judge who appoints the receiver or administrator. Finally, if in any such action the department alleges that five or more persons have been defrauded by any act which is a violation of ss. 560.01-560.201, it shall state the circumstances constituting such fraud with particularity and may seek any appropriate remedy at law or in equity, provided the remedy does not impair any rights granted by law to any holder in due course as defined in s. 673.302.

(b) Issue and serve upon a person a cease and desist order whenever the department finds that such person is violating, has violated, or is about to violate any provision of, or any rule or order adopted pursuant to, ss. 560.01-560.201, or any written agreement entered into with the department. All procedural matters relating to issuance and enforcement of the cease and desist order shall be in accordance with the Administrative Procedure Act.

(c) Impose and collect an administrative fine from any person found to have violated any provision of, or any rule or order adopted pursuant to, ss. 560.01-560.201, or any written agreement entered into with the department, in an amount not to exceed \$1,000 for each violation.

(4) The department may adopt any rule and perform any act necessary to administer the provisions of ss. 560.01-560.201.

Section 15. Section 560.151, Florida Statutes, is amended to read:

560.151 Deposit of fees.—All fees, charges, and fines collected under ss. 560.01-560.201 ~~this act~~ shall be deposited in the State Treasury to the credit of the Regulatory Trust Fund under the Division of Finance of the department.

Section 16. Section 560.16, Florida Statutes, is amended to read:

560.16 Sale by agent of unlicensed principal seller or issuer prohibited.—A ~~No~~ person ~~may not~~ ~~shall~~ sell a ~~or issue~~ money order ~~orders~~ as an agent of a principal seller or issuer when such principal seller or issuer

is subject to licensing under this *chapter* ~~act~~ but has not obtained a license. *Any person who sells a money order as such an agent becomes hereunder, and any person who does so shall be deemed to be the principal seller thereof, and not merely an agent, and is shall be liable to the holder or remitter as the principal seller.*

Section 17. Section 560.17, Florida Statutes, is amended to read:

560.17 Violations; penalties.—Any person who directly or through another violates or attempts to violate any provision of ss. 560.01-560.201 ~~commits this act shall be guilty of a misdemeanor of the first second degree, punishable as provided in s. 775.082 or s. 775.083. Each transaction in violation of ss. 560.01-560.201 this act and each day that a violation continues shall be a separate offense.~~

Section 18. Section 560.201, Florida Statutes, is amended to read:

560.201 Record of sale of money order of \$3,000 ~~\$700~~ or more required.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Money order" means any negotiable or nonnegotiable instrument, other than a check, traveler's check, draft, or certificate of deposit, sold for the purpose of making payments or transfers to third persons or others and purchased with ~~currency money or purchased by any other means other than a withdrawal from a deposit account in the seller of such instrument.~~

(b) "Currency" means currency as defined in s. 655.50(3)(a) ~~"Deposit account" means a deposit account as defined in s. 655.081(1)(b).~~

(c) "Check," "draft," or "certificate of deposit" means a check, draft, or certificate of deposit as defined in s. 673.104.

(2) RECORD OF SALE.—The record of sale of any money order sold in this state in the amount of \$3,000 ~~\$700~~ or more shall be kept in the form of a log in the store selling the money order, or in its headquarters, and shall be available upon request by any state or federal law enforcement agency for a period of 3 years from the date the money order was issued. The log shall bear the full name of the purchaser, including the first and last name and middle initial, the residence address of the purchaser, and proof of identity as deemed satisfactory by the Department of Banking and Finance. The responsibility of maintaining the log shall be with the seller of the money order. Any seller who willfully fails to maintain a log required by this section is guilty of a noncriminal violation, punishable by a fine not exceeding \$250.

Section 19. Sections 560.13, 560.137, 560.138, and 560.15, Florida Statutes, are hereby repealed.

Section 20. Notwithstanding the provisions of chapters 81-318 and 86-207, Laws of Florida, sections 560.01, 560.02, 560.03, 560.04, 560.05, 560.06, 560.07, 560.08, 560.09, 560.10, 560.11, 560.12, 560.135, 560.151, 560.16, 560.17, and 560.201, Florida Statutes, shall not stand repealed on October 1, 1991, as scheduled by such laws, but said sections, as amended, are hereby revived and readopted.

Section 21. Sections 560.01, 560.02, 560.03, 560.04, 560.05, 560.06, 560.07, 560.08, 560.09, 560.10, 560.11, 560.12, 560.131, 560.133, 560.135, 560.151, 560.16, 560.17, and 560.201, Florida Statutes, as amended by this act, are repealed effective October 1, 2001, and shall be reviewed by the Legislature prior to that date pursuant to section 11.61, Florida Statutes.

Section 22. This act shall take effect October 1, 1991.

**House Amendment 2**—In title, on page 1, line 1, through page 2, line 4, strike all of said lines and insert: A bill to be entitled An act relating to the sale of money orders; amending ss. 560.01, 560.02, 560.03, 560.04, 560.06-560.11, 560.16, F.S.; deleting obsolete language; updating, simplifying, and clarifying certain language; revising qualifications for a license to engage in business of selling money orders; amending s. 560.05, F.S.; eliminating requirement that license applications be made in writing and under oath; creating s. 560.131, F.S.; providing grounds for disciplinary action against a licensee; creating s. 560.133, F.S.; providing for department investigations and examinations and the handling of complaints; providing for review and appeal; amending s. 560.135, F.S.; providing powers of the department; amending s. 560.151, F.S.; providing for the collection of fees, charges, and fines and for deposit into the State Treasury to the credit of the Division of Finance's Regulatory Trust Fund; amending s. 560.17, F.S.; providing a penalty; amending s. 560.201, F.S.; providing for the recording of the sale of certain money orders;



repealing s. 560.13, F.S., relating to revocation of a license to sell money orders and inspections of books and records; repealing s. 560.137, F.S., which authorizes injunctions against violators; repealing s. 560.138, F.S., which authorizes cease and desist orders and administrative fines; repealing s. 560.15, F.S., which authorizes rules; reviving and readopting portions of ch. 560, F.S., notwithstanding its scheduled repeal; providing for future repeal and review pursuant to the Regulatory Sunset Act; providing an effective date.

On motions by Senator Childers, the Senate concurred in the House amendments.

CS for SB 558 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33      Nays—None

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 586 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 586**—A bill to be entitled An act relating to real estate; amending s. 475.045, F.S.; revising language with respect to the duties of the Foundation Advisory Committee to the Florida Real Estate Commission Education and Research Foundation; amending s. 475.22, F.S.; providing requirements with respect to brokers whose registered office is located outside the State of Florida; amending s. 475.25, F.S.; revising language with respect to discipline; amending s. 475.5015, F.S.; revising language with respect to brokerage business records; providing an effective date.

**House Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (1) of section 475.01, Florida Statutes, is amended to read:

475.01 Definitions.—

(1) As used in this chapter:

(c) "Broker" means a person who, for another, and for a compensation or valuable consideration directly or indirectly paid or promised, expressly or impliedly, or with an intent to collect or receive a compensation or valuable consideration therefor, appraises, auctions, sells, exchanges, buys, rents, or offers, attempts or agrees to appraise, auction, or negotiate the sale, exchange, purchase, or rental of business enterprises or business opportunities or any real property or any interest in or concerning the same, including mineral rights or leases, or who advertises or holds out to the public by any oral or printed solicitation or representation that he is engaged in the business of appraising, auctioning, buying, selling, exchanging, leasing, or renting business enterprises or business opportunities or real property of others or interests therein, including mineral rights, or who takes any part in the procuring of sellers, purchasers, lessors, or lessees of business enterprises or business opportunities or the real property of another, or leases, or interest therein, including mineral rights, or who directs or assists in the procuring of prospects or in the negotiation or closing of any transaction which does, or is calculated to, result in a sale, exchange, or leasing thereof, and who receives, expects, or is promised any compensation or valuable consideration, directly or indirectly therefor; and all persons who advertise rental property information or lists. A broker renders a professional service and is a professional within the meaning of s. 95.11(4)(a). The term "broker" also includes any person who is a general partner, officer, or director of a partnership or corporation which acts as a broker. The term "broker" also includes any person or entity who undertakes to list, advertise for sale, promote, or sell by any means whatsoever one or more time-share periods per year in one or more time-share plans on behalf of any number of persons, except as provided in ss. 475.011 and 721.20.

Section 2. Subsection (8) of section 475.011, Florida Statutes, is amended to read:

475.011 Exemptions.—This chapter does not apply to:

(8)(a) An owner of one or part of one or more time-share periods for his own use and occupancy who later offers one or more of such periods for resale.

(b) ~~A publisher of a newspaper or periodical in general circulation; broadcaster, or telecaster in connection with the advertising for resale or other promotion of one or more time-share periods, so long as the publisher, broadcaster, or telecaster is not under common ownership or control with a person required to be licensed by this chapter or does not have as its primary purpose the solicitation of resales or other uses of time-share periods.~~

(b) (e) An exchange company, as that term is defined by s. 721.05(14), but only to the extent that the exchange company is engaged in exchange program activities as described in and is in compliance with s. 721.18.

Section 3. Subsection (5) of section 475.045, Florida Statutes, 1990 Supplement, is amended to read:

475.045 Florida Real Estate Commission Education and Research Foundation; Foundation Advisory Committee.—

(5)(a) The advisory committee shall solicit advice and information from real estate licensees, the commission, universities, colleges, real estate schools registered pursuant to this chapter and the general public for the purpose of submitting proposals for carrying out the purposes, objectives, and duties of the foundation study and research.

(b) The advisory committee shall select the education or research proposals that shall be funded and shall give priority to projects with the greatest potential for direct or indirect benefit to the public.

(c) The advisory committee shall select the university or college within the state or qualified full-time faculty member of a university or college within the state with the consent of the institution to perform the education study, or research study, or other project in accordance with the purposes, objectives, and duties of the foundation. In those instances where no university or college within the state, or qualified full-time faculty member of a university or college within the state with the consent of the institution submits an acceptable proposal, a qualified person or persons may be selected in accordance with law to perform the education study, research study, or other project in accordance with the purposes, objectives, and duties of the foundation.

Section 4. Section 475.22, Florida Statutes, is amended to read:

475.22 Broker to maintain office and sign at entrance of office.—

(1) Each active broker shall maintain an office, which shall consist of at least one enclosed room in a building of stationary construction. Each active broker shall maintain a sign on or about the entrance of his principal office and each branch office, which sign may be easily observed and read by any person about to enter such office and shall be of such form and minimum dimensions as shall be prescribed by the commission.

(2) If a broker's registered office is located outside the State of Florida, prior to registering such office or branch office, the broker shall agree in writing to cooperate and shall cooperate with any investigation initiated in accordance with this chapter or commission rules including, but not limited to, the broker promptly supplying any documents requested by any authorized representative of the department and by personally appearing at any designated office of the department or other location in the state or elsewhere as reasonably requested by the department. If the department sends, by certified mail to the broker at his last known business address as registered with the department, a notice or request to produce any documents or to appear for an interview with an authorized representative of the department and the broker fails to substantially comply with that request or notice, then such failure by the broker is a violation of the license law, subject to the penalties of s. 475.25.

Section 5. Paragraph (d) of subsection (1) of section 475.25, Florida Statutes, 1990 Supplement, is amended to read:

475.25 Discipline.—

(1) The commission may deny an application for licensure, certification, registration, or permit, or renewal thereof; may place a licensee, certified appraiser, registrant, or permittee on probation; may suspend a license, certification, registration, or permit for a period not exceeding 10 years; may revoke a license, certification, registration, or permit; may impose an administrative fine not to exceed \$1,000 for each count or separate offense; and may issue a reprimand, and any or all of the foregoing, if it finds that the licensee, certified appraiser, registrant, permittee, or applicant:



(d)1. Has failed to account or deliver to any person, including a licensee under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check, draft, abstract of title, mortgage, conveyance, lease, or other document or thing of value, including a share of a real estate commission; if a civil judgment *relating to the practice of the licensee's profession has been obtained against the licensee and said judgment has not been* ~~has been obtained and~~ not satisfied in accordance with the terms of the judgment *within a reasonable time*, or any secret or illegal profit, or any divisible share or portion thereof, which has come into his hands and which is not his property or which he is not in law or equity entitled to retain under the circumstances. However, if the licensee, in good faith, entertains doubt as to what person is entitled to the accounting and delivery of the escrowed property, or if conflicting demands have been made upon him for the escrowed property, which property he still maintains in his escrow or trust account, the licensee shall promptly notify the commission of such doubts or conflicting demands and shall promptly:

- a. Request that the commission issue an escrow disbursement order determining who is entitled to the escrowed property;
- b. With the consent of all parties, submit the matter to arbitration;
- c. By interpleader or otherwise, seek adjudication of the matter by a court; or
- d. With the written consent of all parties, submit the matter to mediation. However, the mediation process must be successfully completed within 90 days following the last demand or the licensee shall promptly employ one of the other escape procedures contained in this section. Payment for mediation will be as agreed to in writing by the parties.

If the licensee promptly employs one of the escape procedures contained herein, and if he abides by the order or judgment resulting therefrom, no administrative complaint may be filed against the licensee for failure to account for, deliver, or maintain the escrowed property.

2. Has failed to deposit money in an escrow account when the licensee is the purchaser of real estate under a contract where the contract requires the purchaser to place deposit money in an escrow account to be applied to the purchase price if the sale is consummated.

(e) Has violated any of the provisions of this chapter or any lawful order or rule made or issued under the provisions of this chapter or chapter 455.

(f) Has been convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the activities of a licensed broker, salesman, or appraiser certified pursuant to s. 475.501, or involves moral turpitude or fraudulent or dishonest dealing. Any plea of nolo contendere shall be considered a conviction for purposes of this paragraph. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such guilt.

(g) Has had a broker's or salesman's license revoked, suspended, or otherwise acted against, or has had an application for such licensure denied, by the real estate licensing agency of another state, territory, or country.

(h) Has shared a commission with, or paid a fee or other compensation to, a person not properly licensed as a broker, broker-salesman, or salesman under the laws of this state, for the referral of real estate business, clients, prospects, or customers, or for any one or more of the services set forth in s. 475.01(1)(c). For the purposes of this section, it is immaterial that the person to whom such payment or compensation is given made the referral or performed the service from within this state or elsewhere; however, a licensed broker of this state may pay a referral fee or share a real estate brokerage commission with a broker licensed or registered under the laws of a foreign state so long as the foreign broker does not violate any law of this state.

(i) Has become temporarily incapacitated from acting as a broker or salesman with safety to investors or those in a fiduciary relation with him because of drunkenness, use of drugs, or temporary mental derangement; but suspension of a license in such a case shall be only for the period of such incapacity.

(j) Has rendered an opinion that the title to any property sold is good or merchantable, except when correctly based upon a current opinion of a licensed attorney at law, or has failed to advise a prospective purchaser to consult his attorney on the merchantability of the title or to obtain title insurance.

(k) Has failed, if a broker, to immediately place, upon receipt, any money, fund, deposit, check, or draft entrusted to him by any person dealing with him as a broker in escrow with a title company, banking institution, credit union, or savings and loan association located and doing business in this state, or to deposit such funds in a trust or escrow account maintained by him with some bank, credit union, or savings and loan association located and doing business in this state, wherein the funds shall be kept until disbursement thereof is properly authorized; or has failed, if a salesman, to immediately place with his registered employer any money, fund, deposit, check, or draft entrusted to him by any person dealing with him as agent of his registered employer. The commission shall establish rules to provide for records to be maintained by the broker and the manner in which such deposits shall be made.

(l) Has made or filed a report or record which the licensee knows to be false, has willfully failed to file a report or record required by state or federal law, has willfully impeded or obstructed such filing, or has induced another person to impede or obstruct such filing; but such reports or records shall include only those which are signed in the capacity of a licensed broker or salesman.

(m) Has obtained a license by means of fraud, misrepresentation, or concealment.

(n) Is confined in any county jail, post-adjudication; or is confined in any state or federal prison or mental institution; or, through mental disease or deterioration, can no longer safely be entrusted to deal with the public or in a confidential capacity.

(o) Has been found guilty, for a second time, of any misconduct that warrants his suspension or has been found guilty of a course of conduct or practices which show that he is so incompetent, negligent, dishonest, or untruthful that the money, property, transactions, and rights of investors, or those with whom he may sustain a confidential relation, may not safely be entrusted to him.

(p) Has failed to inform the commission in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony.

(q) Has failed to give written notice to a party to a sale, exchange, purchase, or lease of real property or any interest in real property, before such party has signed any contractual offer or lease agreement related to the transaction, that he is an agent, employee, independent contractor, or representative of another party in the negotiation of such sale, exchange, purchase, or lease. The commission shall implement this provision by rule.

Section 6. Paragraph (r) of section 475.25, Florida Statutes, 1990 Supplement, is created to read:

(r) *Has failed in any written listing agreement to include a definite expiration date, description of the property, price and terms, fee or commission and a proper signature of the principal(s); and has failed to give the principal(s) a legible, signed, true and correct copy of the listing agreement within 24 hours of obtaining the written listing agreement. The written listing agreement shall contain no provision requiring the person signing the listing to notify the broker of the intention to cancel the listing after such definite expiration date.*

Section 7. Section 475.5015, Florida Statutes, 1990 Supplement, is amended to read:

475.5015 Brokerage business records.—Each broker shall keep and make available to the department such books, accounts, and records as will enable the department to determine whether such broker is in compliance with the provisions of this chapter. Each broker shall preserve *at least one legible copy of all such* books, accounts, and records pertaining to his real estate brokerage business for at least 5 years from the date of receipt of any money, fund, deposit, check, or draft entrusted to the broker *or in the event no funds are entrusted to the broker, for at least 5 years from the date of execution by any party of any listing agreement, offer to purchase, rental property management agreement, rental or lease agreement, or any other written or verbal agreement which engages the services of the broker licensee.* If any brokerage record has

been the subject of or has served as evidence for litigation, relevant books, accounts, and records must be retained for at least 2 years after the conclusion of the civil action or the conclusion of any appellate proceeding, whichever is later, but in no case less than a total of 5 years as set above.

Section 8. Subsection (5) of section 475.011, *Florida Statutes*, as amended by chapter 88-20, *Laws of Florida*, is hereby repealed.

Section 9. Paragraph (n) of subsection (1) of section 475.42, *Florida Statutes*, is amended to read:

475.42 Violations and penalties.—

(1) VIOLATIONS.—

(n) No person shall undertake to list, ~~advertise for sale, promote, or sell by any means whatsoever~~ one or more time-share periods per year in one or more time-share plans on behalf of any number of persons without first being the holder of a valid and current license as a broker or salesman pursuant to this chapter, except as provided in s. 475.011 and chapter 721.

Section 10. This act shall take effect October 1, 1991.

**House Amendment 2**—Strike the entire title and insert: A bill to be entitled An act relating to real estate; amending s. 475.01, F.S.; revising language with respect to definitions; amending s. 475.045, F.S.; revising language with respect to the duties of the Foundation Advisory Committee to the Florida Real Estate Commission Education and Research Foundation; amending s. 475.22, F.S.; providing requirements with respect to brokers whose registered office is located outside the State of Florida; amending s. 475.25, F.S.; revising and expanding language with respect to discipline; amending s. 475.5015, F.S.; revising language with respect to brokerage business records; repealing s. 475.011, F.S., eliminating an exemption with respect to any person employed as a manager of a condominium or cooperative apartment complex; revise language with respect to violations and penalties; providing an effective date.

Senator Kurth moved the following amendments which were adopted:

**Senate Amendment 1 to House Amendment 1**—On page 5, lines 3-16, strike all of those lines and insert:

Section 5. Subsection (1) of section 475.25, *Florida Statutes*, 1990 Supplement, is amended to read:

475.25 Discipline.—

(1) The commission may deny an application for licensure, certification, registration, or permit, or renewal thereof; may place a licensee, certified appraiser, registrant, or permittee on probation; may suspend a license, certification, registration, or permit for a period not exceeding 10 years; may revoke a license, certification, registration, or permit; may impose an administrative fine not to exceed \$1,000 for each count or separate offense; and may issue a reprimand, and any or all of the foregoing, if it finds that the licensee, certified appraiser, registrant, permittee, or applicant:

(a) Has violated any provision of s. 475.42 or of s. 455.227(1).

(b) Has been guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme, or device, culpable negligence, or breach of trust in any business transaction in this state or any other state, nation, or territory; has violated a duty imposed upon him by law or by the terms of a listing contract, written, oral, express, or implied, in a real estate transaction; has aided, assisted, or conspired with any other person engaged in any such misconduct and in furtherance thereof; or has formed an intent, design, or scheme to engage in any such misconduct and committed an overt act in furtherance of such intent, design, or scheme. It is immaterial to the guilt of the licensee that the victim or intended victim of the misconduct has sustained no damage or loss; that the damage or loss has been settled and paid after discovery of the misconduct; or that such victim or intended victim was a customer or a person in confidential relation with the licensee or was an identified member of the general public.

(c) Has advertised property or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

**Senate Amendment 2 to House Amendment 1**—On page 10, lines 3 and 4, strike all of said lines.

Senator Dudley moved the following amendment which was adopted:

**Senate Amendment 3 to House Amendment 1**—On page 11, lines 6-8, strike all of said lines and renumber subsequent sections.

On motion by Senator Kurth, the Senate reconsidered the vote by which **Senate Amendment 3 to House Amendment 1** was adopted.

**Senate Amendment 3 to House Amendment 1** was adopted. The vote was:

Yeas—33      Nays—3

Senator Kurth moved the following amendments which were adopted:

**Senate Amendment 1 to House Amendment 2**—In title, on page 1, strike line 31 and insert: or cooperative apartment complex; amending s. 475.42, F.S.; revising

**Senate Amendment 2 to House Amendment 2**—In title, on page 1, line 17, after the first semicolon (;) insert: amending s. 475.011, F.S.; deleting an exemption from the provisions of ch. 475, F.S., provided for certain publishers, broadcasters, and telecasters;

Senator Dudley moved the following amendment which was adopted:

**Senate Amendment 3 to House Amendment 2**—In title, on page 1, strike all of lines 28-31 and insert: business records; amending s. 475.42, F.S.; revising

On motions by Senator Kurth, the Senate concurred in the House amendments as amended and the House was requested to concur in the Senate amendments to the House amendments.

**CS for SB 586** passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33      Nays—None

The Senate resumed consideration of—

**CS for SB 724**—A bill to be entitled An act relating to regulation of professions and occupations; amending s. 455.213, F.S.; authorizing denial of license pending certain investigations; amending s. 455.217, F.S.; authorizing the Department of Professional Regulation to share licensing examinations with other state's licensing authorities under certain conditions; amending s. 455.2175, F.S.; prohibiting the theft of examinations; providing penalties; amending s. 455.219, F.S.; providing for fees for duplicate licenses, research, certified copies, and duplication; amending s. 455.223, F.S.; authorizing the Department of Professional Regulation to make certain inspections and to serve subpoenas and other process; creating s. 455.224, F.S.; authorizing the department to issue citations; providing procedures; providing for penalties; amending s. 455.225, F.S.; authorizing the department to dismiss cases based upon determination of insufficient credible evidence to support prosecution; specifying circumstances in which a formal hearing is required; including all regulated professionals in summary order procedures; requiring the department to give the subject of an investigation a copy of the investigative file, upon request; providing for a written response; amending s. 455.227, F.S.; authorizing disciplinary action where a licensee has had certain action taken against his license in any jurisdiction, or where a civil judgment against the licensee relating to the practice of his profession has not been satisfied; increasing the maximum penalty for violations; amending s. 455.2275, F.S.; expanding applicability of prohibitions against giving false information to the department or a board; amending s. 455.229, F.S.; authorizing the department to require the payment of attorney's fees, costs, and court costs by a person who defaults on an examination hearing in certain circumstances; amending s. 455.241, F.S.; providing that the furnishing of reports or copies of patient records not be conditional upon payment of a fee; amending s. 464.004, F.S.; revising the membership of the Board of Nursing; amending s. 463.0055, F.S.; revising membership and appointment provisions of the committee responsible for reviewing requests for changes to the formulary of topical ocular pharmaceutical agents that certified optometrists may administer and prescribe; revising provisions governing establishment of and changes to the formulary; providing an effective date.

—which had been considered in House Messages April 25. Pending **Senate Amendment 3 to House Amendment 1** failed.

On motions by Senator Kirkpatrick, the Senate concurred in the House amendments as amended and the House was requested to concur in the Senate amendments to the House amendments.

**CS for SB 724** passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35 Nays—None

**RECONSIDERATION**

On motion by Senator Kirkpatrick, the rules were waived and the Senate reconsidered the vote by which **CS for SB 724** passed.

On motion by Senator Kirkpatrick, the Senate reconsidered the vote by which the Senate concurred in the House amendments as amended.

Senator Gardner moved the following amendment which was adopted:

**Senate Amendment 4 to House Amendment 1**—Strike all of Section 16 and renumber subsequent sections.

Senator Kirkpatrick moved the following amendment which was adopted:

**Senate Amendment 2 to House Amendment 2**—On page 3, lines 8-11, strike “amending s. 373.117, F.S.; providing for certification by professionals regulated by the Department of Professional Regulation;”

On motions by Senator Kirkpatrick, the Senate concurred in the House amendments as amended and the House was requested to concur in the Senate amendments to the House amendments.

**CS for SB 724** passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33 Nays—None

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 960 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 960**—A bill to be entitled An act relating to the right of eminent domain to counties; amending s. 127.01, F.S.; providing that in eminent domain proceedings a county's burden of showing reasonable necessity for parks, playgrounds, recreational centers, or other types of recreational purposes shall be the same as the burden in other types of eminent domain proceedings; amending s. 127.02, F.S.; requiring that counties take action to acquire property title within a specified period of time following a resolution authorizing eminent domain proceedings; providing an effective date.

**House Amendment 1**—On page 1, lines 29-31, strike all of said lines and insert: *domain proceedings. Further, in all actions now pending or*

**House Amendment 2**—On page 2, lines 19-27, strike all of said lines and renumber subsequent section.

**House Amendment 3**—In title, on page 1, lines 9-13, strike all of said lines and insert: *eminent domain proceedings;*

On motions by Senator Davis, the Senate concurred in the House amendments.

**SB 960** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36 Nays—None

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 2280 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 2280**—A bill to be entitled An act relating to financial institutions; amending s. 655.001, F.S.; expanding the scope of the section to specify the purposes and application of the financial institutions codes rather than of ch. 655, F.S.; amending s. 655.005, F.S.; altering and adding definitions applicable to ch. 655, F.S.; amending s. 655.012, F.S., relating to general supervisory powers of the Department of Banking and Finance, to conform; creating s. 655.013, F.S.; providing for the act's effect on existing financial institutions; creating s. 655.015, F.S.; providing for construction of the act and standards to be observed by the department; transferring, renumbering, and amending s. 655.021, F.S., relating to administrative enforcement guidelines; transferring, renumbering, and amending s. 655.025, F.S., concerning department investiga-

tions, subpoenas, hearings, and witnesses; transferring, renumbering, and amending s. 655.029, F.S.; requiring hearings and proceedings to be public except under certain circumstances; creating s. 655.032, F.S.; prescribing prohibited acts and practices; providing criminal penalties; amending s. 655.033, F.S.; revising the grounds upon which and the parties against which the department may issue a cease and desist order; amending s. 655.034, F.S., relating to injunctions; inserting the term “members” to conform; amending s. 655.037, F.S., relating to removal of officers, directors, and others by the department; revising the list of persons that may be so removed and revising the grounds upon which such persons may be removed; revising the procedure therefor; creating s. 655.0385, F.S.; providing for the disapproval of directors and executive officers of a financial institution by the department; creating s. 655.0386, F.S.; restricting conduct of and transactions by financial institution-affiliated parties; creating s. 655.0391, F.S.; providing for retention of supervision of financial institutions by the department; creating s. 655.0392, F.S.; allowing a financial institution to rent space from a governmental entity under certain circumstances; authorizing a governmental entity to rent such space at a certain rate; deleting provisions for disposition of fines; amending s. 655.041, F.S.; expanding the department's authority to impose administrative fines; amending s. 655.044, F.S.; revising recordkeeping requirements; providing for recovery of certain costs; amending s. 655.045, F.S.; revising the examination authority of the department; amending s. 655.047, F.S.; clarifying the application period of assessments; allowing proration of assessments but prohibiting refunds of portions of assessments; deleting provisions for disposition of assessments; amending s. 655.049, F.S.; clarifying the types of fees that are required to be deposited into the Financial Institutions' Regulatory Trust Fund; amending s. 655.053, F.S.; revising the annual report requirements; amending s. 655.057, F.S.; revising the restrictions on public access to certain records; amending s. 655.059, F.S.; providing certain law enforcement agencies access to a financial institution's books and records; amending s. 655.061, F.S., relating to competitive equality with federally organized or chartered financial institutions; providing for the section to take precedence over other state statutes; amending s. 655.41, F.S., relating to cross-industry conversions, mergers, consolidations, and acquisitions; replacing the term “financial institution” with the term “financial entity” with reference thereto; amending s. 655.411, F.S.; revising conversion-of-charter requirements; amending s. 655.412, F.S.; revising merger and consolidation requirements; amending s. 655.414, F.S.; revising the conditions and limitations upon which a financial entity may acquire all or substantially all the assets or liabilities of another financial entity; amending s. 655.416, F.S.; providing for the valuation of assets after an acquisition; amending s. 655.417, F.S.; conforming provisions relating to the effect of merger, consolidation, conversion, or acquisition; amending s. 655.418, F.S.; conforming provisions relating to cessation of nonconforming activities; amending s. 655.419, F.S.; clarifying the applicability of provisions for merger, consolidation, conversion, or acquisition of assets; amending s. 655.50, F.S.; revising the provisions of, and the penalties for violation of, the Florida Control of Money Laundering in Financial Institutions Act; providing for confidentiality of reports and records thereunder; extending the act's penalties to cover violations of ch. 896, F.S., or similar state or federal statutes; amending s. 655.51, F.S.; allowing state and federal regulatory agencies access to certain employment information; amending s. 655.55, F.S., relating to the law applicable to deposits in and contracts related to extensions of credit by financial institutions; replacing the term “financial institution” with the term “deposit or lending institution” and defining that term; creating s. 655.56, F.S.; providing for the collection of fines, interest, or premiums on loans made by financial institutions; creating s. 655.60, F.S.; providing for appraisals of financial institutions, subsidiaries, or service corporations by the department; creating s. 655.762, F.S.; regulating the sale of assets by a financial institution; creating s. 655.769, F.S.; providing definitions related to deposits in deposit or lending institutions; creating s. 655.77, F.S.; providing for deposits by minors; creating s. 655.78, F.S.; providing for deposit accounts in two or more names; creating s. 655.79, F.S.; establishing a presumption as to vesting on death when deposits and accounts are in two or more names; creating s. 655.80, F.S.; defining and establishing requirements for convenience accounts; creating s. 655.81, F.S.; providing for deposits in trust; creating s. 655.83, F.S.; providing for adverse claims to deposit or fiduciary accounts; creating s. 655.84, F.S.; establishing a presumption as to correctness concerning statements of account; creating s. 655.85, F.S.; providing for settlement of checks; creating s. 655.86, F.S.; regulating the issuance of postdated checks; creating s. 655.89, F.S.; defining “legal holidays,” “business days,” and “transactions”; creating s. 655.90, F.S.; providing for the closing of deposit or lending institutions during emergencies and other special days; creating s. 655.91, F.S.; pro-

viding recordkeeping requirements for such institutions; creating s. 655.921, F.S.; providing for transaction of business by out-of-state financial institutions; creating s. 655.922, F.S.; prohibiting banking by unauthorized persons; providing penalties; creating s. 655.93, F.S.; providing definitions related to the leasing of safe-deposit boxes; creating s. 655.931, F.S.; authorizing financial institutions to engage in the safe-deposit business; creating s. 655.932, F.S.; authorizing the leasing of a safe-deposit box to a minor; creating s. 655.933, F.S.; providing for access to safe-deposit boxes by fiduciaries; creating s. 655.934, F.S.; specifying the effect of the death or incapacity of the lessee of a safe-deposit box; creating s. 655.935, F.S.; establishing safe-deposit search procedures on the death of the lessee; creating s. 655.936, F.S.; providing for the delivery of safe-deposit box contents or other property to a personal representative; creating s. 655.937, F.S.; providing for access to a safe-deposit box leased in two or more names; creating s. 655.938, F.S.; providing for adverse claims to the contents of a safe-deposit box; creating s. 655.939, F.S.; limiting the right of access to a safe-deposit box for failure to comply with security procedures; creating s. 655.94, F.S.; providing special remedies for the nonpayment of rent for a safe-deposit box; amending s. 657.002, F.S.; providing definitions; amending s. 657.004, F.S.; providing technical changes to cross-references; amending s. 657.005, F.S.; providing credit union organizational procedures and forms; creating s. 657.0061, F.S.; requiring the submission of bylaw amendments to the Department of Banking and Finance; amending s. 657.008, F.S.; authorizing armored car services and deleting the requirement that all records be kept at the principal place of business as described within the bylaws; amending s. 657.021, F.S.; defining the duties and powers of the board of directors; amending s. 657.023, F.S.; clarifying certain language; amending s. 657.026, F.S.; authorizing audit committees and defining the duties and responsibilities of these committees; amending s. 657.0265, F.S., prescribing the liability of audit committee members; amending s. 657.027, F.S.; clarifying certain language; amending s. 657.028, F.S.; prohibiting certain persons from serving as an officer, director, or committee member; amending s. 657.031, F.S.; clarifying language and deleting language requiring notice to the department concerning certain authorized activities; creating s. 657.0315, F.S.; prohibiting credit unions from entering into certain contracts; limiting the enforceability of these contracts; amending s. 657.033, F.S.; clarifying the definition of dormant accounts; amending s. 657.038, F.S.; deleting reference to a 18-percent usury cap and defining the term "related interest"; amending s. 657.039, F.S.; prescribing conditions for credit union loans to its directors, officers, and employees; defining the term "related interests"; amending s. 657.042, F.S.; increasing the allowable percentage of certain types of investments and clarifying the authority to invest in mutual funds; amending s. 657.043, F.S.; replacing the term "gross earnings" with the term "all income for the period"; modifying the definition of "risk assets" and increasing the amount of reserve amounts; amending s. 657.053, F.S.; revising the amounts of the semiannual assessments collected from credit unions; amending s. 657.055, F.S.; mandating the type and length of time certain records must be maintained; amending s. 657.062, F.S.; providing procedures for assumption of control of an insolvent credit union; amending s. 657.063, F.S.; authorizing the department to appoint a liquidator; limiting the enforceability of certain contracts; modifying procedures for involuntary liquidation; amending s. 657.064, F.S.; altering the procedures for undertaking a voluntary liquidation; amending s. 657.065, F.S.; prescribing voting requirements and procedures of a credit union merger; amending s. 657.068, F.S.; removing certain limitations on membership in a central credit union; providing for the conversion to federal share insurance through the National Credit Union Administration or the liquidation or merger of all member credit unions and the dissolution of the Florida Credit Union Guaranty Corporation; amending s. 657.251, F.S.; providing a purpose; amending s. 657.253, F.S.; defining member credit union; amending s. 657.257, F.S.; providing for the conversion of member credit unions to federal share insurance and deleting certain procedural requirements for such conversion; amending s. 657.258, F.S.; providing standards in pledging or advancing funds or entering into agreements with the National Credit Union Administration or providing assistance to member credit unions to qualify for federal share insurance; providing for a determination date for liquidating distributions; amending s. 657.259, F.S.; providing that the plan of operation provide for dissolution of the corporation; amending s. 657.260, F.S.; providing authority to the department to require the corporation to take any required action; amending s. 657.262, F.S.; permitting the department to charge the corporation the actual cost of examination of certain member credit unions when examination is requested; amending s. 657.263, F.S.; permitting the department to charge the corporation the actual cost of its annual examination; providing for disposition of the records of the corporation; creating s. 657.269, F.S.; providing for the orderly dissolution of the Florida Credit

Union Guaranty Corporation; providing for retroactive application; amending s. 658.12, F.S.; providing definitions; amending s. 658.165, F.S.; correcting a cross-reference and inserting the term "financial institutions codes"; amending s. 658.20, F.S.; providing for prior approval of certain directors and executive officers of a failing bank or trust company; providing a filing fee for approval; amending s. 658.21, F.S.; altering the approval criteria of an application; amending s. 658.22, F.S.; requiring orders approving applications to organize a state bank be sent to the "Federal Home Loan Bank of Atlanta"; amending s. 658.23, F.S.; requiring prior Department of Banking and Finance authorization for a change in the articles of incorporation; amending ss. 658.24, 658.25, F.S.; substituting the term "bank" for "banking corporation"; amending s. 658.26, F.S.; altering the locations where banks and trust companies may transact business; amending s. 658.27, F.S.; altering the definition of control over a bank or trust company; amending s. 658.28, F.S.; providing an exception to the requirement that the department be given prior notice of any acquisition of voting securities; amending s. 658.29, F.S.; altering certain prohibitions concerning ownership and control of a bank or trust company; amending s. 658.30, F.S.; incorporating changes concerning the application of the Florida Business Corporation Act; amending s. 658.32, F.S.; allowing the department to approve an annual meeting date which is not within the first 4 months of a given year; amending s. 658.33, F.S.; inserting the term "financial institutions codes"; requiring director's oath of office to be filed within 30 days of election; amending s. 658.34, F.S.; requiring shares of common stock to be issued with a minimum par value and to be paid for in cash; amending s. 658.36, F.S.; requiring department approval for banks and trust companies to reduce outstanding common stock; amending s. 658.37, F.S.; clarifying that a stock split does not constitute a dividend; amending s. 658.38, F.S.; clarifying that a state bank must have and maintain Federal Deposit Insurance; amending s. 658.39, F.S.; restricting the right of stockholders to examine certain records; amending s. 658.40, F.S.; deleting the term "conversion"; amending s. 658.42, F.S.; providing a technical clarification; amending s. 658.43, F.S.; modifying the department's authority to issue emergency rules concerning a failing institution; amending s. 658.44, F.S., relating to approval by stockholders; revising cross-references; amending s. 658.45, F.S.; providing a technical clarification; amending s. 658.48, F.S.; altering the loan and credit authority of a state bank; amending s. 658.50, F.S., relating to loans or extensions of credit; removing interest rate limitations on credit cards or overdraft financing arrangements; improving clarity; amending s. 658.53, F.S.; altering limits of indebtedness; amending s. 658.60, F.S.; deleting the term "reserves"; amending s. 658.65, F.S.; altering the provisions related to remote financial service units; amending s. 658.67, F.S.; altering the investment powers of a bank and trust company; amending s. 658.68, F.S.; altering the liquidity requirements of a state bank; amending s. 658.73, F.S.; increasing examination fees and assessments; amending s. 658.79, F.S.; allowing the department to take possession of an imminently insolvent state bank or trust company; deleting the conditions for determining insolvency; amending ss. 658.80, 658.82, 658.83, F.S.; providing a technical clarification; amending s. 658.84, F.S.; prohibiting the enforcement of certain judicial actions; amending s. 660.25, F.S.; redefining the term "commercial department"; providing for the use of terms defined in other chapters of the Florida Statutes; creating s. 660.265, F.S.; requiring certain financial institutions to pay the costs of examination by the Department of Banking and Finance; amending s. 660.27, F.S.; deleting references to state mutual associations with respect to deposits of securities with the Treasurer; clarifying the term "bank" to include state banks and national banks; amending s. 660.33, F.S.; prescribing when an association is "affiliated" or a "successor"; correcting a cross-reference; amending s. 660.37, F.S.; deleting references to the Federal Savings and Loan Insurance Corporation; permitting the deposit of fiduciary funds in amounts exceeding insurance in specified circumstances; amending s. 660.41, F.S.; revising powers of corporations other than banks, associations, and trust companies with respect to fiduciary functions; amending s. 660.44, F.S.; authorizing a bank, association, or trust company to charge reasonable management expenses for managing common trust funds; amending s. 663.01, F.S.; providing definitions; amending s. 663.02, F.S.; expanding the applicability of domestic bank powers to international banking corporations; deleting reference to a clarification concerning branching authority of bank holding companies located outside the state; amending s. 663.03, F.S.; providing that ch. 607, F.S., regulating corporations applies to international banking corporations unless it conflicts with the banking code; amending s. 663.04, F.S.; prescribing conditions under which a license may be issued to an international banking corporation to operate an international bank agency or an international branch; deleting application fee; amending s. 663.05, F.S.; modifying the application requirements for an international banking corporation to

maintain an office in this state; creating s. 663.055, F.S.; prescribing certain capital requirements as a condition of licensing; providing alternative requirements for licensing; amending s. 663.06, F.S.; expanding the permissible activities of an international banking corporation and allowing the department to prescribe by rule the procedures for surrendering a license; creating s. 663.061, F.S.; defining the permissible activities of international bank agencies; creating s. 663.062, F.S.; defining the permissible activities of an international representative office; amending s. 663.063, F.S.; altering the purposes and powers of an international administrative office; creating s. 663.064, F.S.; defining the permissible activities of an international branch; creating s. 663.065, F.S.; defining the permissible activities of a state investment company; creating s. 663.066, F.S.; authorizing, under certain conditions, the acquisition of state banks by international banking corporations; amending s. 663.07, F.S.; modifying the asset maintenance requirements of an international bank agency and international branch; amending s. 663.083, F.S.; adding the term "international branch" and deleting language allowing capital debentures and notes to be treated as capital in computing capital limitations; amending s. 663.09, F.S.; providing for the consolidation of reports under certain circumstances; requiring loan documentation to be in the English language; amending s. 663.10, F.S.; modifying the provisions related to license conversion; amending s. 663.11, F.S.; replacing the term "international bank agency" with the term "office"; amending s. 663.12, F.S.; providing for filing fees, semiannual assessments, and examination fees; amending s. 663.13, F.S., relating to rulemaking respecting international banking corporations; conforming a cross-reference; amending s. 663.302, F.S., relating to the applicability of state banking laws to international development banks, to conform cross-references in that section to renumbering by this act; amending s. 663.309, F.S., relating to prohibited activities; deleting an obsolete cross-reference; amending s. 663.319, F.S., relating to rulemaking respecting regional development banks; conforming a cross-reference; amending s. 665.012, F.S.; altering and deleting certain definitions; creating s. 665.013, F.S.; outlining the applicability of ch. 658, F.S., to ch. 665, F.S.; amending s. 665.0211, F.S.; deleting exclusiveness-of-name provisions; amending s. 665.0315, F.S.; correcting a cross-reference and incorporating a nonrefundable filing fee; amending s. 665.033, F.S.; inserting reference to the financial institutions codes and permitting denial of an application due to the existence of a state-imposed order; increasing the fee for converting from a federal mutual to a state capital stock association and authorizing examination fees for conversions; revising a cross-reference; amending s. 665.034, F.S.; changing certain requirements concerning acquisition of assets of, or control over, an association; amending s. 665.0501, F.S.; altering the general powers of an association organized under ch. 665, F.S.; amending s. 665.0711, F.S.; limiting the association's power to invest in loans; amending s. 665.074, F.S.; deleting the requirement that a settlement statement be furnished to each borrower; amending s. 665.1001, F.S.; clarifying the definition of a "foreign association"; deleting reference to the term "savings"; deleting a requirement relating to references to insurance or guaranty of accounts in advertising, solicitations, or representations; amending s. 665.1011, F.S.; deleting the term "savings and loan"; amending s. 665.102, F.S.; inserting the term, "financial institutions codes"; repealing s. 655.081, F.S., relating to disclosure of practices with respect to availability of funds; repealing s. 655.413, F.S., relating to acquisition of stock by a financial institution in another financial institution; reviving and readopting ss. 655.001, 655.005, 655.012, 655.016, 655.021, 655.025, 655.029, 655.033, 655.034, 655.037, 655.041, 655.043, 655.044, 655.045, 655.049, 655.053, 655.057, 655.059, 655.061, 655.071, 655.41, 655.411, 655.412, 655.414, 655.416, 655.417, 655.418, 655.419, 655.50, 655.51, and 655.55, F.S., as renumbered and amended by this act, notwithstanding their scheduled termination October 1, 1991, pursuant to the Regulatory Sunset Act and other laws; terminating ss. 655.001-655.94, F.S., effective October 1, 1992, and providing for legislative review of such sections before that date; repealing ch. 88-113, Laws of Florida, relating to a contingent amendment to s. 655.061, F.S.; reviving and readopting ss. 657.001, 657.002, 657.003, 657.004, 657.005, 657.008, 657.021, 657.022, 657.023, 657.024, 657.026, 657.027, 657.028, 657.029, 657.031, 657.032, 657.033, 657.0335, 657.034, 657.035, 657.036, 657.037, 657.038, 657.039, 657.041, 657.042, 657.043, 657.051, 657.053, 657.055, 657.062, 657.063, 657.064, 657.065, 657.066, 657.068, 657.25, 657.251, 657.252, 657.253, 657.254, 657.256, 657.257, 657.258, 657.259, 657.260, 657.261, 657.262, 657.263, 657.264, 657.265, 657.266, 657.267, and 657.268, F.S., as amended by this act, notwithstanding their scheduled termination October 1, 1991, pursuant to the Regulatory Sunset Act and other laws; terminating ss. 657.001-657.068, F.S., effective October 1, 1992, and providing for legislative review of such sections before that date; terminating ss. 657.25-657.269, F.S., effective October 1, 1992, and providing for legislative review of such sections before that date; repealing ss. 658.1101, 658.13,

658.14, 658.15, 658.46, 658.47, 658.54, 658.55, 658.56, 658.57, 658.58, 658.59, 658.61, 658.62, 658.63, 658.64, 658.66, 658.69, 658.70, 658.71, 658.72, 658.74, 658.75, 658.76, 658.77, 658.78, 658.85, 658.86, 658.87, 658.88, 658.89, 658.91, 658.92, 658.93, 658.97, 658.98, 658.99, F.S., relating to the regulation of banks and trust companies; reviving and readopting ss. 658.12, 658.16, 658.19, 658.20, 658.21, 658.22, 658.23, 658.235, 658.24, 658.25, 658.26, 658.27, 658.28, 658.29, 658.295, 658.30, 658.32, 658.33, 658.34, 658.35, 658.36, 658.37, 658.38, 658.39, 658.40, 658.41, 658.42, 658.43, 658.44, 658.45, 658.48, 658.49, 658.491, 658.50, 658.51, 658.53, 658.60, 658.65, 658.67, 658.68, 658.73, 658.79, 658.80, 658.81, 658.82, 658.83, 658.84, 658.90, 658.94, 658.95, and 658.96, F.S., notwithstanding their scheduled termination October 1, 1991, pursuant to the Regulatory Sunset Act and other laws; terminating ss. 658.12-658.96, F.S., effective October 1, 1992, and providing for legislative review of such sections before that date; repealing s. 660.32, F.S., relating to the place of transacting trust business and trust company branches; reviving and readopting ss. 660.25, 660.26, 660.27, 660.28, 660.29, 660.30, 660.31, 660.33, 660.34, 660.35, 660.36, 660.37, 660.38, 660.39, 660.40, 660.41, 660.42, 660.43, 660.44, 660.45, 660.46, 660.47, and 660.48, F.S., as amended by this act, notwithstanding their scheduled termination October 1, 1991, pursuant to the Regulatory Sunset Act and other laws; terminating ss. 660.25-660.48, F.S., effective October 1, 1992, and providing for legislative review of such sections before that date; repealing ss. 661.45-661.55, F.S., relating to regulating the safe-deposit business, in accordance with the Regulatory Sunset Act; repealing ss. 662.01-662.08, F.S., relating to bank service corporations, in accordance with the Regulatory Sunset Act; reviving and readopting ss. 663.01, 663.02, 663.03, 663.04, 663.05, 663.06, 663.07, 663.08, 663.09, 663.10, 663.11, 663.12, 663.13, 663.14, 663.301, 663.302, 663.303, 663.304, 663.305, 663.306, 663.307, 663.308, 663.309, 663.310, 663.311, 663.312, 663.313, 663.314, 663.315, 663.316, 663.317, 663.318, and 663.319, F.S., as amended by this act, notwithstanding their scheduled termination October 1, 1991, pursuant to the Regulatory Sunset Act and other laws; terminating ss. 663.01-663.319, F.S., effective October 1, 1992, and providing for legislative review of such sections before that date; repealing ss. 664.01-664.12, F.S.; relating to industrial savings banks, in accordance with the Regulatory Sunset Act; repealing ss. 665.011, 665.0201, 665.022, 665.023, 665.024, 665.025, 665.027, 665.028, 665.0301, 665.0311, 665.0335, 665.038, 665.0401, 665.044, 665.045, 665.047, 665.048, 665.0601, 665.0611, 665.062, 665.063, 665.064, 665.065, 665.066, 665.067, 665.068, 665.069, 665.0701, 665.0731, 665.076, 665.077, 665.0801, 665.082, 665.083, 665.093, 665.096, 665.097, 665.099, 665.1021, 665.103, 665.104, F.S., relating to the regulation of savings associations; reviving and readopting ss. 665.012, 665.0211, 665.0315, 665.033, 665.034, 665.0345, 665.0501, 665.0711, 665.074, 665.075, 665.1001, 665.1011, and 665.102, F.S., as amended by this act, notwithstanding their scheduled termination October 1, 1991, pursuant to the Regulatory Sunset Act and other laws; terminating ss. 665.012-665.102, F.S., effective October 1, 1992, and providing for legislative review of such sections before that date; amending s. 154.238, F.S., relating to the authority of a health facilities authority to deal with a bank that employs a member of the authority, to conform terminology to that used in this act; amending s. 159.414, F.S., relating to the authority of a board of a local agency, under the Florida Industrial Development Financing Act, to deal with a bank that employs a board member, to conform terminology to that used in this act; amending s. 159.494, F.S., relating to the authority of an industrial development authority to deal with a bank that employs a member of the authority; amending s. 240.488, F.S., relating to the investment of funds of a county education loan authority, to conform terminology to that used in this act; amending s. 288.753, F.S., relating to examination of the Florida Export Finance Corporation by the Department of Banking and Finance, to conform terminology to that used in this act; amending s. 289.121, F.S., relating to examination of the Florida Industrial Development Corporation, to conform terminology to that used in this act; amending s. 420.141, F.S., relating to examination of the Housing Development Corporation of Florida, to conform terminology to that used in this act; amending s. 538.03, F.S., relating to definitions applicable to secondhand dealers, to conform a cross-reference made obsolete by this act; amending s. 560.201, F.S., relating to the record of sales of money orders, to revise a cross-reference to a provision repealed by this act; amending s. 607.0501, F.S., relating to registered offices and agents of corporations, to conform terminology to that used in this act; amending s. 627.826, F.S., relating to insurance premium finance companies, to delete a cross-reference to a law repealed by this act; amending s. 671.304, F.S., relating to laws not repealed by the enactment of the Uniform Commercial Code, to delete cross-references to laws repealed by this act; amending s. 687.12, F.S., relating to interest rates of licensed lenders and creditors, to revise a cross-reference to a law repealed by this act; amending s. 896.101, F.S.,



relating to the conduct of financial transactions involving the proceeds of unlawful activity, to revise cross-references to conform with this act; providing an effective date.

**House Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, chapters 655, 657, 658, 660, 661, 662, 663, 664, and 665, Florida Statutes, shall not stand repealed on October 1, 1991, but are repealed on July 1, 1992, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 2. Notwithstanding the provisions of the Sundown Act or of any other provision of law which provides for review and repeal in accordance with s. 11.611, Florida Statutes, sections 657.026 and 657.027, Florida Statutes, shall not stand repealed on October 1, 1991, but are repealed on July 1, 1992, and shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.

Section 3. In the event that any provision of law, the repeal of which is rescheduled to 1992 by this act, is otherwise amended or saved from, or rescheduled for, repeal by another bill enacted at the 1991 session of the Legislature, then such other act shall prevail over the conflicting provisions of this act.

Section 4. This act shall take effect upon becoming a law.

**House Amendment 2**—Strike the entire title and insert: A bill to be entitled An act relating to banks and financial institutions; rescheduling Sunset and Sundown review and repeal of specified chapters and sections from October 1, 1991, to July 1, 1992; providing an effective date.

On motions by Senator Childers, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House.

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has refused to recede from House amendments to CS for SB's 58 and 2294, and has acceded to the request of the Senate for the appointment of a conference committee.

The Speaker of the House of Representatives has appointed Representatives Figg, Frankel, Mishkin, Tobin, Hanson, Young, Graham, Jennings (alternate) and Holzendorf (monitor) as conferees on the part of the House.

*John B. Phelps, Clerk*

**CS for SB's 58 and 2294**—A bill to be entitled An act relating to governmental reorganization; creating s. 20.41, F.S.; creating a Department of Elderly Affairs; providing for its organization; transferring specified powers, duties and functions, records, personnel, property and funds from the Pepper Commission on Aging to the department; transferring the state and district nursing home and long-term care facility ombudsman councils from the Pepper Commission on Aging to the department; amending ss. 400.304, 400.307, F.S., relating to the state and district nursing home and long-term care facility ombudsman councils, to conform; adding provisions relating to council duties and positions; amending s. 410.016, F.S.; requiring coordination of Department of Health and Rehabilitative Services' activities with the Department of Elderly Affairs; creating s. 410.701, F.S.; providing for contracting between the Department of Health and Rehabilitative Services and area agencies on aging; amending s. 410.505, F.S., and repealing section 4 of chapter 89-294, Laws of Florida; abolishing the Pepper Commission on Aging; conforming provisions and saving such section from Sundown repeal; amending and renumbering s. 410.505, F.S., and creating ss. 430.01, 430.02, 430.03, 430.05, 430.055, 430.058, 430.06, F.S.; providing a short title; providing legislative intent; specifying the purposes of the Department of Elderly Affairs; establishing duties and responsibilities of the department; creating the Department of Elderly Affairs Advisory Council; providing duties and membership; requiring a plan to improve the provision of social services and long-term care; creating the Elder Services Advocacy Committee; providing duties of the committee; providing rulemaking authority; providing for future review and repeal pursuant to the Sundown Act; creating a Commission on Volunteer Community Services; prescribing its composition and duties; exempting commission members from financial disclosure requirements; amending s. 410.201, F.S.; providing for administration of the older volunteer service program by the Department of

Elderly Affairs; amending s. 402.165, F.S.; providing for the Department of Health and Rehabilitative Services' Human Rights Advocacy Committee to cooperate with the Elder Services Advocacy Committee; providing an effective date.

## RETURNING MESSAGES ON HOUSE BILLS

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 2, concurred in same as amended, passed as further amended, CS for HB 1587 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for HB 1587**—A bill to be entitled An act relating to the state lottery; amending s. 24.120, F.S.; eliminating the lottery working capital reserve and authorizing the Department of the Lottery to borrow from the Working Capital Fund; providing that certain payments are not lump-sum salary bonuses; amending s. 24.121, F.S.; revising the percentage of lottery revenue deposited in the Educational Enhancement Trust Fund; providing an effective date.

**House Amendment 1 to Senate Amendment 1**—On page 1, lines 2-5, strike all of said lines and insert:

Section 1. Subsections (4) and (8) of section 24.120, Florida Statutes, are amended to read:

24.120 Financial matters; Administrative Trust Fund; interagency cooperation.—

~~(4) The department is authorized to retain \$25 million as a reserve for working capital.~~

**House Amendment 1 to Senate Amendment 2**—In title, on page 1, line 1, after the semicolon (;) insert: eliminating the lottery working capital reserve;

On motions by Senator Crenshaw, the Senate concurred in the House amendments to the Senate amendments.

**CS for HB 1587** passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36      Nays—None

## RETURNING MESSAGES—FINAL ACTION

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed SB 206, CS for SB 642, SB 1478, SB 1686, CS for SB 1694, SB 1726, CS for CS for SB 1890, CS for SB 1926 and SB 1986.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Amendments to CS for SB 410 and passed as further amended.

*John B. Phelps, Clerk*

The bill contained in the foregoing message was ordered engrossed and then enrolled.

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed as amended HB 1629, CS for CS for HB's 2157 and 1871, House Bills 2275, 2277, 2347, 2359 and 2499.

*John B. Phelps, Clerk*

## AMENDMENTS TO SENATE BILLS

### SB 1482

Senator Dantzler moved the following amendment which was adopted:

**Amendment 4**—In title, on page 1, line 9, after the semicolon (;) insert: amending s. 876.18, F.S.; providing that cross burning on the property of another is a first-degree misdemeanor; amending s. 876.21, F.S.; exempting violations under s. 876.18, F.S., from being classified as second-degree misdemeanors;

After reconsideration of **Amendment 1**, Senator Langley moved the following amendment which was adopted:

**Amendment 1A**—On page 1, line 13, after “defendant” insert: *perceived*, and on line 14, after “know” insert: *or perceive*

**Amendment 1** as amended was adopted.

Senator Langley moved the following amendment which was adopted:

**Amendment 5**—In title, on page 1, line 13, after “knowledge” insert: *or a perception*

Senator Gordon moved the following amendments which were adopted:

**Amendment 6**—On page 3, between lines 3 and 4, insert:

Section 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(Renumber subsequent section.)

**Amendment 7**—In title, on page 1, line 9, after the semicolon (;) insert: *providing for severability*;

#### CS for SB 1582

Senator Gardner moved the following amendment which was adopted:

**Amendment 1**—On page 2, line 30, after the period (.) insert: *To the extent feasible, projects of a like nature shall be aggregated together as one project.*

#### SB 1646

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Jenne and adopted:

**Amendment 1**—On page 2, before line 13 of A-2, insert: *The person who purchased the work of art shall forward a copy of such affidavit to the Department of Revenue at the time it is issued to the vendor.*

Senator Jenne moved the following amendments which were adopted:

**Amendment 2**—On page 1, lines 16-31; on page 2, lines 1-31; and on page 3, lines 1-3, strike all of said lines and insert:

Section 1. Paragraphs (bb) and (cc) are added to subsection (7) of section 212.08, Florida Statutes, 1990 Supplement, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

#### (7) MISCELLANEOUS EXEMPTIONS.—

##### (bb) Works of art.—

1. Also exempt are works of art sold to or used by an educational institution, as defined in sub-subparagraph (o)2.d.

2. This exemption also applies to the sale to or use in this state of any work of art by any person if it was purchased or imported exclusively for the purpose of being loaned to and made available for display by any educational institution.

3. A work of art is presumed to have been purchased in or imported into this state exclusively for loan as provided in subparagraph 2., if it is so loaned or placed in storage in preparation for such a loan within 90 days after purchase or importation, whichever is later; but a work of art is not deemed to be placed in storage for purposes of this exemption if it is displayed at any place other than an educational institution.

4. The exemptions provided by this paragraph are allowed only if the person who purchased the work of art gives to the vendor an affidavit meeting the requirements, established by rule, to document entitlement to the exemption.

5. The exemption provided by subparagraph 2. applies only for the period during which a work of art is in the possession of the educational

institution or is in storage before transfer of possession to that institution; and when it ceases to be so possessed or held, tax based upon the sales price paid by the owner is payable, and the statute of limitations provided in s. 95.091 shall begin to run at that time.

6. For purposes of the exemptions provided by this paragraph, the term, “work of art” includes pictorial representations, sculpture, jewelry, antiques, stamp collections and coin collections, and other tangible personal property, the value of which is attributable predominantly to its artistic, historical, political, cultural, or social importance.

7. This paragraph is a remedial clarification of legislative intent and applies to all taxes that remain open to assessment or contest on July 1, 1991.

(cc) Military uniform.—Exempt from the tax imposed by this chapter is the sale of military uniforms to military personnel currently on active duty. In order to claim the exemption, the purchaser must present a sworn statement that he is classified as on active duty status at the time of the purchase. The statement must contain the purchaser's name, military address, branch of service, and identification number and the date that his active duty status will expire. The seller shall maintain such proof at the location at which the exempt sale is made.

**Amendment 3**—In title, on page 1, line 12, after the semicolon (;) insert: *providing an exemption from sales and use taxes for the sale of military uniforms to military personnel on active duty*;

Senator Jennings offered the following amendments which were moved by Senator Jenne and adopted:

**Amendment 4**—On page 3, between lines 3 and 4, insert:

Section 2. Subsection (10) of section 125.0104, Florida Statutes, 1990 Supplement, is amended, and subsection (11) is added to that section, to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

#### (10) LOCAL ADMINISTRATION OF TAX.—

(a) A county levying a tax under the provisions of this section may be exempt from the requirements of this section that the tax collected be remitted to the Department of Revenue before being returned to the county, and that such tax be administered according to the provisions of part I of chapter 212, if the county adopts an ordinance providing for the collection and administration of the tax on a local basis.

(b) The ordinance shall include provision for, but need not be limited to:

1. Initial collection of the tax to be made in the same manner as the tax imposed under part I of chapter 212.

2. Designation of the local official to whom the tax shall be remitted, and that official's powers and duties with respect thereto. Tax revenues may be used only in accordance with the provisions of this section.

3. Requirements respecting the keeping of appropriate books, records, and accounts by those responsible for collecting and administering the tax.

4. Provision for payment of a dealer's credit as required under part I of chapter 212.

5. A portion of the tax collected may be retained by the county for costs of administration, but such portion shall not exceed 3 percent of collections.

(c) A county adopting an ordinance providing for the collection and administration of the tax on a local basis shall also adopt an ordinance electing either to assume all responsibility for auditing the records and accounts of dealers, and assessing, collecting, and enforcing payments of delinquent taxes, or to delegate such authority to the Department of Revenue. If the county elects to assume such responsibility, it may use any power granted in this section to the department to determine the amount of tax, penalties, and interest to be paid by each dealer and to enforce payment of such tax, penalties, and interest. If the county delegates such authority to the department, the department shall distribute any collections so received, less costs of administration, to the county. The amount deducted for costs of administration by the department shall be used only for those costs which are solely and directly attributable to auditing,

assessing, collecting, processing, and enforcing payments of delinquent taxes authorized in this section. If a county elects to delegate such authority to the department, the department shall audit only those businesses in the county that it audits pursuant to part I of chapter 212.

(d) *The effective date of any ordinance or its repeal authorized under this subsection must be the first day of the second month following the approval or repeal of the ordinance by the governing body or the first day of any subsequent month as is specified in the ordinance. The county shall furnish a certified copy of the ordinance to the department within 10 days after its approval or repeal.*

**(11) INTEREST PAID ON DISTRIBUTIONS.—**

(a) *Interest shall be paid by the state to the county on undistributed taxes collected under this section, which shall be included along with the tax proceeds distributed to the counties and shall be paid from moneys in the General Revenue Fund. The Department of Revenue shall calculate the interest for net tax distributions using the average daily rate that is earned by the State Treasury for the preceding calendar quarter and paid to the General Revenue Fund. This rate shall be certified by the Treasurer to the department by the 20th day following the close of each quarter.*

(b) *The interest applicable to taxes collected under this section shall be calculated by multiplying the tax amounts to be distributed times the daily rate times the number of days after the 3rd working day following the date the tax is due and payable pursuant to s. 212.11 until the date the department issues a voucher to request the Comptroller to issue the payment warrant. The warrant shall be issued within 7 days after the request.*

(c) *If an over-distribution of taxes is made to the county, interest shall be paid by the county to the state on the overpaid amount beginning on the date the warrant, including the overpayment, was issued until the 3rd working day following the due date of the payment period from which the overpayment is being deducted. The interest on an overpayment shall be calculated using the average daily rate from the applicable calendar quarter and shall be deducted from moneys distributed to the county under this section.*

Section 3. Section 213.0535, Florida Statutes, is created to read:

213.0535 Registration information sharing and exchange program.—

(1) The Registration Information Sharing and Exchange Program, or "RISE" is established to be coordinated by the Department of Revenue. Each participant in the program shall share the tax administration information specified in this section on a periodic basis in the format prescribed by the department. To the fullest extent practicable the information shall be shared on a computer-processable medium.

(2) Information that is subject to sharing includes the registrant's, licensee's, or taxpayer's name, mailing address, business location, federal employer identification number or social security number, any applicable business type code, any applicable county code, and such other tax registration information as the department prescribes.

(3) Each local government that participates in the program is responsible for transmitting its shared data to participating state agencies. Each state agency participating in the program is responsible for transmitting its shared data to the other participating state agencies and to the appropriate participating local governments. Data shall be transmitted within 20 days after the close of the reporting period.

(4) There are two levels of participation:

(a) Level one participants shall exchange, monthly, the data enumerated in subsection (2) for each new registrant, new filer, or initial reporter, permittee, or licensee, with respect to the following taxes, licenses, or permits:

1. The sales and use tax imposed under chapter 212.
2. The tourist development tax imposed under s. 125.0104.
3. The local occupational license tax imposed under chapter 205.
4. The convention development tax imposed under s. 212.0305.
5. Public lodging and food service establishment licenses issued pursuant to chapter 509.
6. Beverage Law licenses issued pursuant to chapter 561.

Each unit of state and local government responsible for administering one or more of the provisions specified in subparagraphs 1.-6. is a level one participant.

(b) Level two participants shall, in addition, exchange data relating to tax payment history, audit assessments, and registration cancellations. The department shall prescribe, by rule, the data elements to be shared and the frequency of sharing; however, audit assessments shall be shared no less often than quarterly. Level two participants include the Department of Revenue and local officials responsible for collecting the tourist development tax pursuant to s. 125.0104 and the convention development tax pursuant to s. 212.0305. Information subject to sharing under this paragraph must relate only to sales and use tax, tourist development tax, and convention development tax for those dealers engaging in transient rentals.

(5) Any provisions of law imposing confidentiality upon data shared under this section, including, but not limited to, provisions imposing penalties for disclosure, applies to recipients of this data and their employees. Data exchanged under this section may not be provided to any person or entity other than those administering the tax or licensing provisions of those sections of law enumerated in subsection (4), and such data may not be used for any purpose other than for enforcing the tax or licensure provisions.

(6) In addition to data on new registrants, the information shared by level one participants in the first month of the program shall include data for all active registrants, taxpayers, licensees, or permittees under the provisions of law enumerated in paragraph (4)(a).

(Renumber subsequent sections.)

**Amendment 5**—In title, on page 1, line 12, after the semicolon (;) insert: amending s. 125.0104, F.S.; specifying the date on which an ordinance that provides for collecting and administering a tourist development tax at the local level takes effect or is repealed; requiring interest to be paid on tourist development tax proceeds that are distributed to the counties; providing for calculation of interest payments; creating s. 213.0535, F.S.; establishing the Registration Information Sharing and Exchange Program; requiring local governments and state agencies that participate in the program to share certain information pertaining to taxpayers;

**SB 1676**

Senators Thurman and Grant offered the following amendment which was moved by Senator Thurman:

**Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. Authority to acquire certain real property.—The District Board of Trustees of Pasco-Hernando Community College is hereby authorized to acquire that real property located in Spring Hill, Florida, which is presently being utilized by the district board of trustees as a Special Purpose Center and which is legally described as follows:

Tract K of Spring Hill Unit 9, according to Plat thereof, as recorded in Plat Book 8, pages 38-53 inclusive, of Public Records of Hernando County, Florida, containing 12.12 acres more or less.

Section 2. Authority to conduct site planning.—The District Board of Trustees of Pasco-Hernando Community College is hereby authorized to conduct site planning, engineering, and master planning for such property.

Section 3. Subsection (4) of section 235.195, Florida Statutes, 1990 Supplement, as created by section 16, chapter 90-241, Laws of Florida, is repealed.

Section 4. Paragraph (f) of subsection (1) of section 235.196, Florida Statutes, 1990 Supplement, is amended to read:

235.196 Community educational facilities.—

(1) Each district school board, the State Board of Community Colleges on behalf of a community college board of trustees, or the Board of Regents on behalf of a state university may submit, prior to August 1 of each year, a request to the commissioner for funds from the trust fund to construct a community educational facility, *provided there are no previous projects authorized under this section to the school district, community college or university, for which a certificate of occupancy has not*

~~been issued by the building code enforcement agency having jurisdiction over the respective agency. No district board or institution may apply and receive funding for more than one facility in any five-year period. Such request shall contain the following provisions:~~

(f) A resolution or other appropriate indication of intent to participate in the funding and utilization of the educational facility from a non-educational governmental agency. Such indication shall include a commitment by such governmental agency to provide at least one-half of the cost of the site, should a site need to be acquired, of the site development, and of the facility. The purchase price of a site may be included in meeting the matching requirements of the noneducational governmental agency or the educational governmental agency if the site was recently acquired for the purpose of developing a community educational facility. *The value of existing sites, intended to satisfy any portion of the funding requirement of a noneducational governmental agency, shall be determined by the Office of Educational Facilities through an independent appraiser. The size of the site to adequately provide for the implementation of the proposed educational programs shall also be determined by the Office of Educational Facilities.* Funds from the Public Education Capital Outlay and Debt Service Trust Fund may not be expended on any project unless specifically authorized by the Legislature.

Section 5. Subsection (3) is added to section 235.31, Florida Statutes, to read:

235.31 Advertising and awarding contracts; day-labor projects; pre-qualification of contractor; purchase of maintenance, repair and site improvement services.—

(3) *In each school district in which the purchasing agent for any public agency of the state is authorized by law to make purchases for the benefit of other governmental agencies within the county, the school board shall have the option to purchase services for maintenance, repair and site improvement of educational facilities and ancillary plants, as defined in s. 235.011, from the current county contracts established for any of the public agencies at the prices stated therein. Such purchase shall be made only if the purchase is to the economic advantage of the school board, subject to conformation of such services to the standards and specifications prescribed by the department pursuant to s. 235.01.*

Section 6. Paragraph (a) of subsection (2) of section 235.435, Florida Statutes, 1990 Supplement, is amended to read:

235.435 Funds for comprehensive educational plant needs.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. No district shall receive funding for more than one approved project in any 5-year period. The first year of the 5-year period shall be the first year a district receives an appropriation. The request must meet the following criteria to be considered by the committee:

1. The construction project must be recommended in the most recent survey or surveys by the district under the rules of the State Board of Education.
2. The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.
3. The district must have selected and had approved a site for the construction project in compliance with s. 235.19 and the rules of the State Board of Education.
4. The district shall have on file with the office approved educational specifications and a school board adopted facility list developed not to exceed the normal net square feet occupancy requirements under the rules of the State Board of Education.

5. There shall be an agreement signed by the district board stating that it will advertise for bids within 30 days of receipt of its encumbrance authorization from the office.

6. The district shall, at the time of the request and for a continuing period of 3 years, levy the maximum millage against their nonexempt assessed property value as *allowed provided* in s. 236.25(2). *Effective July 1, 1991, any district with a new or active project, funded under the provisions of this subsection, shall be required to budget no more than the value of 1.5 mills per year to the project to satisfy the annual participation requirement in the Special Facility Construction Account.*

7. If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility New Construction Account to be reallocated to other projects on the list. However, an additional 90 days may be granted by the commissioner.

8. The office shall certify the inability of the district to fund the survey-recommended project over a continuous 3-year period using projected capital outlay revenue derived from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 236.25(2).

9. The district shall have on file with the office an adopted resolution acknowledging its 3-year commitment of all unencumbered and future revenue acquired from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 236.25(2).

10. The office shall certify that final phase III plans, free of all mandatory requirements, were approved prior to August 1.

Section 7. This act shall take effect July 1, 1991, or upon becoming a law, whichever occurs later.

Senator Walker moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A**—On page 6, between lines 6 and 7, insert:

Section 2. Paragraph (a) of subsection (2) of section 235.435, Florida Statutes, 1990 Supplement, is amended to read:

235.435 Funds for comprehensive educational plant needs.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. No district shall receive funding for more than one approved project in any 5-year period. The first year of the 5-year period shall be the first year a district receives an appropriation. The request must meet the following criteria to be considered by the committee:

1. The construction project must be recommended in the most recent survey or surveys by the district under the rules of the State Board of Education.
2. The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.
3. The district must have selected and had approved a site for the construction project in compliance with s. 235.19 and the rules of the State Board of Education.
4. The district shall have on file with the office approved educational specifications and a school board adopted facility list developed not to exceed the normal net square feet occupancy requirements under the rules of the State Board of Education.
5. There shall be an agreement signed by the district board stating that it will advertise for bids within 30 days of receipt of its encumbrance authorization from the office.

6. The district shall, at the time of the request and for a continuing period of 3 years, levy the maximum millage against their nonexempt assessed property value as *allowed provided* in s. 236.25(2). *Effective July 1, 1991, any district with a new or active project, funded under the provisions of this subsection, shall be required to budget no more than the value of 1.5 mills per year to the project to satisfy the annual participation requirement in the Special Facility Construction Account.*

7. If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility New Construction Account to be reallocated to other projects on the list. However, an additional 90 days may be granted by the commissioner.

8. The office shall certify the inability of the district to fund the survey-recommended project over a continuous 3-year period using projected capital outlay revenue derived from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 236.25(2).

9. The district shall have on file with the office an adopted resolution acknowledging its 3-year commitment of all unencumbered and future revenue acquired from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 236.25(2).

10. The office shall certify that final phase III plans, free of all mandatory requirements, were approved prior to August 1.

(Renumber subsequent section.)

**Amendment 1** as amended was adopted.

Senator Thurman moved the following amendment:

**Amendment 2**—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to educational facilities; authorizing the District Board of Trustees of Pasco-Hernando Community College to acquire described property; authorizing site planning, engineering, and master planning for such property; repealing s. 235.195(4), F.S., relating to limitations on funding for a joint-use facility; amending s. 235.196, F.S.; providing conditions with respect to requests for funds to construct a community educational facility; requiring the Office of Educational Facilities through an independent appraiser to determine the value of existing sites for purposes of developing community educational facilities; amending s. 235.31, F.S.; providing for the purchase of maintenance, repair, and site improvement services by district school boards from other governmental contracts; amending s. 235.435, F.S.; revising requirements relating to a request for funding from the Special Facility Construction Account; providing an effective date.

Senator Walker moved the following amendment to **Amendment 2** which was adopted:

**Amendment 2A**—In title, on page 2, line 1, following the semicolon (;) insert: amending s. 235.435, F.S.; revising requirements relating to a request for funding from the Special Facility Construction Account;

**Amendment 2** as amended was adopted.

#### CS for SB 1732

Senator Dudley moved the following amendments which were adopted:

**Amendment 1**—On page 32, lines 13-31, and on page 33, lines 1-12, strike all said lines and renumber subsequent sections.

**Amendment 2**—On page 35, between lines 2 and 3, insert:

Section 41. Any citizen support organization which is required by rule of the Department of Natural Resources to be formed as a nonprofit organization and which is under contract with the department shall be exempt from any fees required for incorporation as a nonprofit organization and the Secretary of State shall not assess any such fees if the citizen support organization is certified by the Department of Natural Resources to the Secretary of State as being under contract with the Department of Natural Resources.

(Renumber subsequent sections.)

**Amendment 3**—In title, on page 4, line 2, after the semicolon (;) insert: providing an exemption from corporate filing fees;

**Amendment 4**—On page 64, strike all of lines 9-12 and insert:

Section 55. Subsections (1) and (2) of section 617.1002, Florida Statutes, 1990 Supplement, are amended to read:

617.1002 Procedure for amending articles of incorporation.—

(1) *Unless the articles of incorporation provide an alternative procedure*, amendments to the articles of incorporation must be made in the following manner:

(a) If there are members entitled to vote on a proposed amendment to the articles of incorporation, the board of directors must adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of members entitled to vote on the proposed amendment, which may be either an annual or a special meeting. Written notice setting forth the proposed amendment or a summary of the changes to be effected by the amendment must be given to each member entitled to vote at such meeting in accordance with the articles of incorporation or the bylaws. The proposed amendment shall be adopted upon receiving at least a majority, or any larger or smaller percentage specified in the articles of incorporation or the bylaws, of the votes which members present at such meeting or represented by proxy are entitled to cast; or

(b) If there are no members or if members are not entitled to vote on proposed amendments to the articles of incorporation, an amendment may be adopted at a meeting of the board of directors by a majority vote of the directors then in office.

**Amendment 5**—In title, on page 3, strike all of lines 27-29 and insert: agency appointment; amending s. 617.01201,

**Amendment 6**—On page 79, between lines 10 and 11, insert:

Section 75. Section 607.147 of the Florida Statutes (1989), which was repealed effective July 1, 1990, by section 166 of Chapter 89-154 of the Laws of Florida, shall continue to apply to all shareholder derivative actions which accrued prior to July 1, 1990.

(Renumber subsequent section.)

**Amendment 7**—In title, on page 6, line 10, after the semicolon (;) insert: providing for applicability of s. 607.147, F.S.;

**Amendment 8**—On page 79, line 11, strike "October 1" and insert: July 1

Senator Langley moved the following amendment:

**Amendment 9**—On page 79, between lines 10 and 11, insert:

Section 75. Section 608.401, Florida Statutes, is amended to read:

608.401 Short title.—Sections 608.401-608.514 ~~608.471~~ may be cited as the "Florida Limited Liability Company Act."

Section 76. Section 608.402, Florida Statutes, is amended to read:

608.402 Definitions.—As used in this chapter:

(1) "Bankrupt" means a debtor ~~bankrupt~~ under the federal bankruptcy law ~~Act~~ or insolvent under any state insolvency act.

(2) "Business" means every trade, occupation, or profession.

(3) "Capital account" means the capital account of a member of the limited liability company as determined pursuant to the applicable provisions of the Internal Revenue Code and the regulations promulgated thereunder in effect at the time of the event requiring the determination. Unless otherwise provided in the articles of organization or the regulations, capital accounts shall be determined as of the date of the event for which capital accounts are being determined or a date as close as practicable to the event but not more than 30 days before such event.

(4) "Conveyance" means any assignment, sale, lease, mortgage, or encumbrance.

(5)(9) "Court" includes every court and judge having jurisdiction in the action.

(6) "Entity" includes any corporation or foreign corporation, as such terms are defined in s. 607.0140; unincorporated association; limited liability company; business trust, estate, partnership, trust, or two or more persons having a joint or common economic interest; or state, local, federal, or foreign governments.



(7) "Individual" includes the estate of an incompetent or deceased individual.

(8)(3) "Limited liability company" or "company" means a limited liability company organized and existing under this chapter.

(9) "Member" means any person who has an equity interest in a limited liability company represented by a capital account.

(10)(4) "Person" means an individual or an entity ~~any of those entities listed in s. 1.01(3).~~

(11)(5) "Real property" means land and any interest or estate in land.

(12)(6) "Regulations" means written provisions which are adopted for the management and regulation of the affairs of the limited liability company and which set forth the relationships of the members. ~~"Business" means every trade and occupation or profession.~~

(13)(7) "Relative capital account" means, for any member, the percentage ratio which that member's capital account bears to the aggregate value of all of the members' capital accounts. ~~"Conveyance" means every assignment, lease, mortgage, or encumbrance.~~

Section 77. Section 608.404, Florida Statutes, is amended to read:

608.404 Powers.—*Unless its articles of organization or regulations provide otherwise*, each limited liability company organized and existing under this chapter *shall have the same powers as an individual to do all things necessary to carry out its business and affairs, including, without limitation, the power to may:*

(1) Sue or be sued, or complain or defend, in its name.

(2) Purchase, take, receive, lease, *subscribe for*, or otherwise acquire, own, hold, improve, *vote*, ~~or use~~, or otherwise deal in or with, real or personal property, or an interest in real or personal property *or any legal or equitable property, wherever located situated.*

(3) Sell, convey, mortgage, pledge, create a security interest in, lease, exchange, *lend*, ~~or transfer~~, or otherwise dispose of, all or any part of its property or assets.

(4) ~~Purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, or pledge, or otherwise dispose of or otherwise use or deal in or with:~~

(a) ~~Shares or other interests in or obligations of other foreign or domestic limited liability companies, domestic or foreign corporations, associations, general or limited partnerships, or individuals; or~~

(b) ~~Direct or indirect obligations of the United States or any other government, state, territory, governmental district, or municipality or of any instrumentality thereof.~~

(4)(5) Make contracts or guarantees, or incur liabilities; borrow money ~~at such rates of interest as the limited liability company may determine~~; issue its notes, bonds, or other obligations; or secure any of its obligations by mortgage or pledge of all or any part of its property, franchises, and income; *or make contracts of guaranty and suretyship which are necessary or convenient to the conduct, promotion, or attainment of the business of a corporation the majority of the outstanding stock of which is owned, directly or indirectly, by the contracting company; a corporation which owns, directly or indirectly, a majority of the outstanding stock of the contracting company; or a corporation the majority of the outstanding stock of which is owned, directly or indirectly, by a corporation which owns, directly or indirectly, the majority of the outstanding stock of the contracting company, which contracts of guaranty and suretyship shall be deemed to be necessary or convenient to the conduct, promotion, or attainment of the business of the contracting company; or make other contracts of guaranty and suretyship which are necessary or convenient to the conduct, promotion, or attainment of the business of the contracting company.*

(5)(6) Lend money ~~for any lawful purpose~~, invest or reinvest its funds, or ~~receive take and hold~~ real or personal property as security for ~~repayment the payment of funds so loaned or invested.~~

(6)(7) Conduct its business, ~~locate carry on its operations and have~~ offices, and exercise the powers granted by this chapter within or without this state.

(7)(8) Elect or appoint managers and agents of the limited liability company, define their duties, ~~and fix their compensation, and lend them money and credit.~~

(8)(9) Make ~~and amend~~ its regulations, not inconsistent with its articles of organization or with the laws of this state, for the administration and regulation of the affairs of the company.

(9)(10) Make donations to the public welfare or for charitable, scientific, or educational purposes.

(10)(11) Indemnify a member or manager or any other person ~~as provided in this chapter to the same extent as a corporation may indemnify any of the directors, officers, employees, or agents of the corporation~~ against expenses actually and reasonably incurred by him or it in connection with the defense of an action, suit, or proceeding, whether civil or criminal, in which he or it is made a party.

(11)(12) Cease its activities and surrender its certificate of organization.

(12)(13) Have and exercise all powers necessary or convenient to effect any or all of the purposes for which the company is organized.

(13)(14) Transact any lawful business ~~that will aid which the members or the managers find to be in aid of~~ governmental policy.

(14)(15) Pay pensions and establish pension plans, *pension trusts*, profit-sharing plans, and other incentive plans for any or all of its managers and employees.

(15)(16) Be a promoter, incorporator, ~~general partner, limited partner, member, associate, or manager of any corporation, partnership, limited partnership, limited liability company, joint venture, trust, or other entity enterprise.~~

(16)(17) ~~Make payments or donations or do any other act not inconsistent with law that furthers the business and affairs of the company. Have and exercise all powers necessary or convenient to effect its purposes.~~

Section 78. Section 608.405, Florida Statutes, is amended to read:

608.405 Formation.—Two or more ~~members persons~~ may form a limited liability company ~~by executing, acknowledging, and delivering to the Department of State articles of organization for such limited liability company.~~

Section 79. Section 608.406, Florida Statutes, is amended to read:

608.406 Limited liability company name.—

(1) *The name of a limited liability company:*

(a) ~~Shall end with the words "limited company," or their abbreviation "L.C." "L.C." shall be the last words of the name of every limited liability company formed under the provisions of this chapter; and, in addition, the limited liability company name may not be the same as, or deceptively similar to, the name of a limited liability company, or a foreign limited liability company, authorized to transact business in this state, or a name the exclusive right to which is, at the time, reserved in the manner provided under the laws of this state.~~

(b) ~~May not contain language stating or implying that the limited liability company is organized for a purpose other than that permitted in its articles of organization and in this chapter.~~

(c) ~~May not contain language stating or implying that the limited liability company is connected with a state or Federal Government agency or a corporation chartered under the laws of the United States.~~

(d) ~~Shall be distinguishable from the names of all other entities or filings, except fictitious name registrations pursuant to s. 865.09, organized, registered, or reserved under the laws of this state, which names are on file with the Division of Corporations of the Department of State.~~

(2) Omission of the words "limited company," or their abbreviation "L.C.," in the use of the name of the limited liability company shall render any person who participates in the omission, or knowingly acquiesces in it, liable for any indebtedness, damage, or liability occasioned by the omission.

Section 80. Section 608.4061, Florida Statutes, is created to read:

608.4061 Limited liability company; reserved name.—

(1) A person may reserve the exclusive use of a limited liability company name, including a fictitious name for a foreign limited liability company the limited liability company name of which is not available, by delivering an application to the Department of State for filing. The application must set forth the name and address of the applicant and the name proposed to be reserved. If the Department of State finds that the limited liability company name applied for is available, it shall reserve the name for the exclusive use of the applicant for a 120-day period. The reservation may not be renewed.

(2) The Department of State may revoke any reservation if, after a hearing, it finds that the application therefor or any transfer thereof was not made in good faith.

Section 81. Section 608.4062, Florida Statutes, is created to read:

608.4062 Foreign limited liability company; registered name; application; renewal; revocation.—

(1) A foreign limited liability company may register its limited liability company name, or its limited liability company name with any addition required by s. 608.506, if the name otherwise meets the requirements of s. 608.406.

(2) A foreign limited liability company registers its limited liability company name, or its limited liability company name with any addition required by s. 608.506, by delivering to the Department of State for filing an application:

(a) Setting forth its limited liability company name, or its limited liability company name with any addition required by s. 608.506, the state or country and date of its organization, and a brief description of the nature of the business in which it is engaged.

(b) Accompanied by a certificate of existence, a certificate setting forth that such limited liability company is in good standing under the laws of the state or country wherein it is organized, or a document of similar import, from the state or country of organization.

(3) The name is registered for the applicant's exclusive use upon the effective date of the application and shall be effective until the close of the calendar year in which the application for registration is filed.

(4) A foreign limited liability company the registration of which is effective may renew it from year to year by annually filing a renewal application which complies with the requirements of subsection (2) between October 1 and December 31 of the preceding year. The renewal application when filed renews the registration for the following calendar year.

(5) A foreign limited liability company the registration of which is effective may thereafter qualify as a foreign limited liability company under the registered name or consent in writing to the use of that name by a limited liability company thereafter organized under this chapter or by another foreign limited liability company thereafter authorized to transact business in this state. The registration terminates when the domestic limited liability company is organized or the foreign limited liability company qualifies or consents to the qualification of another foreign limited liability company under the registered name.

(6) The Department of State may revoke any registration if, after a hearing, it finds that the application thereof or any renewal thereof was not made in good faith.

Section 82. Section 608.407, Florida Statutes, is amended to read:

608.407 Articles of organization.—

(1) *In order to form a limited liability company, the articles of organization of a limited liability company shall be executed and filed with the Department of State. The articles shall set forth:*

(a) The name of the limited liability company.

(b) The period of its duration, which may not exceed 30 years from the date of filing with the Department of State.

(c) *The mailing address and the street address of the principal office of the limited liability company. The purpose for which the limited liability company is organized.*

(d) *The address of its place of business in the state and The name and street address of its initial registered agent in the state together with*

*a statement in writing in such form and manner as shall be prescribed by the Department of State accepting the appointment as a registered agent simultaneously with his being designated. Such statement of acceptance shall state that the registered agent is familiar with, and accepts, the obligations of that position.*

~~(e) The total amount of cash and a description and agreed value of property other than cash contributed.~~

~~(f) The total additional contributions, if any, agreed to be made by all members and the times at which, or the events upon the happening of which, they shall be made.~~

~~(e)(g) The right, if given, of the members to admit additional members and the terms and conditions of the admissions.~~

~~(f)(h) The right, if given, of the remaining members of the limited liability company to continue the business on the death, retirement, resignation, expulsion, bankruptcy, or dissolution of a member or the occurrence of any other event which terminates the continued membership of a member in the limited liability company.~~

(g)(i)1. If the limited liability company is to be managed by a manager or managers, a statement that the company is to be managed by a manager or managers and the names and addresses of such managers who are to serve as managers until the first annual meeting of members or until their successors are elected and qualify.

2. If the management of a limited liability company is reserved to the members, the names and addresses of the members.

(h) *Any other matters the members determine to include therein.*

~~(j) Any other provisions, not inconsistent with law, which the members elect to set out in the articles of organization for the regulation of the internal affairs of the limited liability company, including any provisions which under this chapter are required or permitted to be set out in the regulations of the limited liability company.~~

~~(2) It is not necessary to set out in the articles of organization any of the powers enumerated in this chapter.~~

(2) *An affidavit declaring that the limited liability company has at least two members and setting forth the amount of the cash and a description and agreed value of property other than cash contributed by the members and the amount anticipated to be contributed by the members shall accompany the articles of organization of a limited liability company.*

(3) *A limited liability company is formed at the time described in s. 608.409 if there has been substantial compliance with the requirements of this section.*

(4) *The articles of organization must be executed by at least one member or the authorized representative of a member.*

Section 83. Section 608.408, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 608.408, F.S., for present text.)*

608.408 Execution of certificate or statement.—

(1) A certificate or statement required by this chapter to be filed with the Department of State must be executed in the following manner:

(a) If it is an original certificate of organization, an affidavit, a supplemental affidavit, a certificate of amendment, or a statement of change of registered agent or registered office, it must be signed by a member or by the authorized representative of a member, and by the new registered agent, if applicable; and

(b) If it is a certificate of dissolution or revocation of dissolution, it must be signed by all members.

(2) Any person may sign a certificate by an attorney in fact, but a power of attorney to sign a certificate relating to the admission of a member must specifically describe the admission.

(3) The execution of a certificate by a member constitutes an affirmation under the penalties of perjury that the facts stated therein are true.

Section 84. Section 608.4081, Florida Statutes, is created to read:

608.4081 Filing requirements.—

(1) A document must satisfy the requirements of this section and of any other section that adds to or varies these requirements to be entitled to filing by the Department of State.

(2) This act must require or permit filing the document in the office of the Department of State.

(3) The document must contain the information required by this act. It may contain other information as well.

(4) The document must be typewritten or printed and must be legible.

(5) The document must be in the English language. A limited liability company name need not be in English if written in English letters or Arabic or Roman numerals, and the certificate of status required of foreign limited liability companies need not be in English if accompanied by a reasonably authenticated English translation.

(6) If the Department of State has prescribed a mandatory form for the document under s. 607.0121, the document must be in or on the prescribed form.

(7) The document must be delivered to the office of the Department of State for filing, may be accompanied by one exact or conformed copy (except as provided in s. 607.1509), and must be accompanied by the correct filing fee and any other tax or penalty required by this act or other law.

Section 85. Section 608.4082, Florida Statutes, is created to read:

608.4082 Filing duties of Department of State.—

(1) The Department of State files a document by stamping or otherwise endorsing "filed," together with the Secretary of State's official title and the date and time of receipt. After filing a document, the Department of State shall deliver an acknowledgment or certified copy to the domestic or foreign limited liability company or its representative.

(2) If the Department of State refuses to file a document, it shall return it to the domestic or foreign limited liability company or its representative within 15 days after the document was received for filing, together with a brief, written explanation of the reason for refusal.

(3) The Department of State's duty to file documents under this section is ministerial. The filing or refusing to file a document does not:

(a) Affect the validity or invalidity of the document in whole or part;

(b) Relate to the correctness or incorrectness of information contained in the document;

(c) Create a presumption that the document is valid or invalid or that information contained in the document is correct or incorrect.

(4) If not otherwise provided by law and the provisions of this act, the Department of State shall determine, by rule, the appropriate format for, number of copies of, manner of execution of, method of electronic transmission of, and amount of and method of payment of fees for, any document placed under its jurisdiction.

(5) If a document is determined by the Department of State to be incomplete and inappropriate for filing, the Department of State may return the document to the person or limited liability company filing it, together with a brief written explanation of the reason for the refusal to file. If the applicant returns the document with corrections in accordance with the rules of the department within 60 days after it was mailed to the applicant by the department, the filing date of the document will be the filing date that would have been applied had the original document not been deficient, except as to persons who justifiably relied on the record before correction and were adversely affected thereby.

(6) Unless otherwise permitted by this act, a delayed effective date for a document may not be later than the 90th day after the date on which it is filed.

Section 86. Section 608.409, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 608.409, F.S., for present text.)*

608.409 Effect of issuance of certificate of organization.—

(1) Unless a delayed effective date is specified, the limited liability company's existence begins at the date and time when the articles of organization are filed, as evidenced by the Department of State's date and time endorsement on the original document, or on a date specified in the articles of organization, if such date is within 5 business days prior to the date of filing.

(2) Articles of organization may specify a delayed effective time and date, and if they do, the articles of organization shall become effective at the time and date specified. If a delayed effective date, but no time, is specified, the articles of organization shall become effective at the close of business on that date.

(3) The Department of State's filing of the articles of organization is conclusive proof that all conditions precedent to organization have been satisfied except in a proceeding by the state to cancel or revoke the organization or to administratively dissolve the organization.

(4) A limited liability company shall not transact business or incur indebtedness, except that which is incidental to its organization or to obtaining subscriptions for or payment of contributions, until the articles of organization have been filed by the Department of State.

Section 87. Section 608.4101, Florida Statutes, is created to read:

608.4101 Records to be kept.—

(1) Each limited liability company shall keep at its registered office the following records:

(a) A current list of the full names and last known business addresses of all members.

(b) A copy of the articles of organization and all certificates of amendments thereto, together with executed copies of any powers of attorney pursuant to which any certificate was executed.

(c) Copies of the limited liability company's federal, state, and local income tax returns and reports, if any, for the 3 most recent years.

(d) Copies of any then-effective regulations and any financial statements of the limited liability company for the 3 most recent years.

(e) Unless contained in the articles of organization or the regulations, a writing setting out:

1. The amount of cash and a description and statement of the agreed value of the other property or services contributed by each member and which each member has agreed to contribute.

2. The times at which or events on the happening of which any additional contributions agreed to be made by each member are to be made.

3. Any events upon the happening of which the limited liability company is to be dissolved and its affairs wound up.

(2) Records kept under this section are subject to inspection and copying during ordinary business hours at the reasonable request, and at the expense, of any member.

Section 88. Section 608.411, Florida Statutes, is amended to read:

608.411 Amendments to or restatements of articles of organization.—

(1) *The articles of organization of a limited liability company are amended by filing a certificate of amendment thereto by the Department of State. The certificate of amendment shall set forth:*

(a) *The name of the limited liability company.*

(b) *The date of filing of the articles of organization.*

(c) *The amendment to the articles of organization.*

(2) *Within 30 days after the happening of any of the following events, an amendment to the articles of organization, indicating the occurrence of the event or events, shall be filed:*

~~(1) The articles of organization of a limited liability company shall be amended when:~~

~~(a) There is a change in the name of the limited liability company or in the amount or character of the contributions to capital.~~

(a)(b) There is a change in the ~~name~~ ~~character of the business~~ of the limited liability company.

(b)(e) There is a false or erroneous statement in the articles of organization.

(c)(d) There is a change in the time as stated in the articles of organization for the dissolution of the limited liability company.

(d)(e) A time is fixed for the dissolution of the limited liability company, if no time is specified in the articles of organization.

(e)(f) The members desire to make a change in any other statement in the articles of organization in order for it to accurately represent the agreement between them.

(3) *Unless otherwise provided in this chapter or in the certificate of amendment, a certificate of amendment shall be effective at the time of its filing by the Department of State.*

(4) *A limited liability company may, whenever desired, integrate into a single instrument all of the provisions of its articles of organization which are then in effect and operative as a result of there having theretofore been filed with the department one or more certificates or other instruments pursuant to any of the provisions referred to in this section, and it may at the same time further amend its articles of organization by adopting restated articles of organization.*

(5) *If the restated articles of organization merely restate and integrate but do not further amend the initial articles of organization as theretofore amended or supplemented by any instrument that was executed and filed pursuant to any of the provisions of this section, it shall be specifically designated in its heading as the "Restated Articles of Organization," together with such other words as the limited liability company may deem appropriate, and shall be executed as provided in this chapter for articles of organization and filed as provided by this chapter with the department. If the restated articles restate and integrate and also further amend in any respect the articles of organization, as theretofore amended or supplemented, they shall be specifically designated in their heading as the "Amended and Restated Articles of Organization," together with such other words as the limited liability company may deem appropriate, and shall be executed as provided in this chapter for articles of organization and filed as provided by this chapter with the department.*

(6) *Restated articles of organization shall state, either in their heading or in an introductory paragraph, the limited liability company's present name, and, if it has been changed, the name under which it was originally filed; the date of filing of its original articles of organization with the department; and the future effective date or time, which shall be a date or time certain, of the restated articles if it is not to be effective upon the filing of the restated articles. Restated articles shall also state that they were duly executed and are being filed in accordance with this section. If the restated articles only restate and integrate and do not further amend the limited liability company's articles of organization as theretofore amended or supplemented and there is no discrepancy between those provisions and the restated articles, they shall state that fact as well.*

(7) *Upon the filing of the restated articles of organization by the department, or upon the future effective date or time of restated articles of organization as provided for therein, the initial articles of organization, as theretofore amended or supplemented, shall be superseded; thenceforth, the restated articles of organization, including any further amendment or changes made thereby, shall be the articles of organization of the limited liability company, but the original effective date of formation shall remain unchanged.*

(8) *Any amendment or change effected in connection with the restatement and integration of the articles of organization shall be subject to any other provisions of this chapter, not inconsistent with this section, which would apply if a separate certificate of amendment were filed to effect such amendment or change.*

(2) ~~The form for evidencing an amendment to the articles of organization of a limited liability company shall be promulgated by the Department of State and shall contain such terms and provisions consistent with this chapter as shall be determined by the Department of State. The amendment shall be signed and sworn to by all members, and an amendment adding a new member shall be signed also by the member to be added; thereafter the amendment shall be forwarded to the Department of State for filing, accompanied by the requisite filing fee.~~

Section 89. Section 608.412, Florida Statutes, is created to read:

608.412 Supplemental affidavit of capital contributions.—A supplemental affidavit declaring the amount of the capital contributions of the members shall be filed with the Department of State within 30 days after any time when the actual contributions of the members exceed the anticipated amount of capital contributions filed pursuant to this chapter.

Section 90. Section 608.415, Florida Statutes, is amended to read:

608.415 Registered office and registered agent.—

(1) Each limited liability company shall have and continuously maintain in this state:

(a) A registered office, which may be, ~~but need not be,~~ the same as its place of business; and

(b) A registered agent, which agent may be either:

1. An individual ~~who resides~~ ~~resident~~ in this state whose business office is identical with such registered office.;

2. ~~A domestic corporation having a business office identical with such registered office; or~~

2.3. A foreign corporation or limited liability company authorized to transact business in this state, and having a business office identical with such registered office.

(2) ~~A Each registered agent or a and each~~ successor registered agent appointed pursuant to s. 608.416 on whom process may be served shall each file a statement in writing with the Department of State accepting the appointment as registered agent simultaneously with being designated, ~~unless the agent signed the document making the appointment. Such statement or acceptance shall state that the registered agent is familiar with, and accepts, the obligations of that position.~~

(3) The Department of State shall maintain an accurate record of the registered agents and registered office for the service of process and shall furnish any information disclosed thereby promptly upon request and payment of the required fee.

(4) ~~A No~~ limited liability company ~~may not shall~~ maintain any action in any court until the limited liability company complies with the provisions of this section and pays to the Department of State a penalty of \$5 ~~\$1~~ for each day it has failed to comply or \$500 ~~\$250~~, whichever amount is less, and pays any other amount required under this chapter.

Section 91. Section 608.416, Florida Statutes, is amended to read:

608.416 Change of registered office or registered agent.—

(1) A limited liability company may change its registered office or agent, ~~or both,~~ upon filing ~~with in the office of the~~ Department of State a statement setting forth:

(a) The name of the limited liability company.

(b) The ~~street~~ address of its ~~current then~~ registered office. ~~and,~~

(c) If the ~~street~~ address of its registered office is to be changed, the ~~street~~ address to which the registered office is to be changed.

(d)(e) ~~If its current The name of its then registered agent and, if its~~ registered agent is to be changed, the name of the ~~new its successor~~ registered agent and the new registered agent's written consent to the appointment, either on the statement or attached to it.

(e)(d) ~~The fact That such the~~ change was authorized by affirmative vote of a majority of the members or as otherwise provided in the articles of organization or the regulations of the limited liability company.

(2) Any registered agent may resign his agency appointment by signing and delivering for filing with the Department of State a statement of resignation and mailing a copy of such statement to the limited liability company at its principal office address shown in its most recently filed document. The agency is terminated and the registered office discontinued, if so provided, on the 31st day after the date on which the statement was filed.

(3) A registered agent may change the address of the registered office of any limited liability company for which his is the registered agency by notifying the limited liability company in writing of the

change, signing, either manually or in facsimile, and delivering to the Department of State for filing a statement that complies with the requirements of subsection (1), and reciting that the limited liability company has been notified of the change.

~~(2) The statement shall be acknowledged and delivered to the Department of State. If the Department of State finds that the statement conforms to the provisions of this chapter, it shall file the statement in its office; and, upon filing, the change of address of the registered office or the appointment of a new registered agent, or both, as the case may be, shall be effective.~~

~~(3) Any registered agent of a limited liability company may resign as agent upon filing a written notice thereof with the Department of State and by mailing a copy thereof to the limited liability company at its registered office. The appointment of the agent shall terminate upon the expiration of 30 days after receipt of notice by the Department of State.~~

Section 92. Section 608.4211, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 608.4211, F.S., for present text.)*

608.4211 Contributions to capital and liability for contribution.—

(1) The contribution of a member may be in cash, property, or services rendered, or a promissory note or other obligation to contribute cash or property or to perform services.

(2) A promise by a member to contribute to the limited liability company is not enforceable unless it is set out in writing signed by the member.

(3) Except as provided in the regulations, a member is obligated to the limited liability company to perform any enforceable promise to contribute cash or property or to perform services, even if he is unable to perform because of his death or disability or any other reason. If a member does not make the required contribution of property or services, he is obligated, at the option of the limited liability company, to contribute cash equal to that portion of the value, as stated in the records of the limited liability company required to be kept pursuant to this chapter, of the stated contribution that has not been made.

(4) Unless otherwise provided in the articles of organization or the regulations, the obligation of a member to make a contribution or return money or other property paid or distributed in violation of this chapter may be compromised only by consent of all the members. Notwithstanding the compromise, the creditor of a limited liability company, who extends credit or otherwise acts in reliance upon that obligation after the member has signed a writing that indicates the obligation and before the amendment or cancellation of the writing to indicate the compromise, may enforce the original obligation.

(5) The regulations of a limited liability company may provide that the interest of any member who fails to make any contribution that he is obligated to make shall be subject to specified penalties for, or specified consequences of, such failure. Such penalties or consequences may take the form of reducing the defaulting member's proportionate interest in the limited liability company, subordinating his interest in the limited liability company to that of the nondefaulting members, a forced sale of his limited liability company interest, the forfeiture of his limited liability company interest, the lending by other members of the amount necessary to meet his commitment, a fixing of the value of his limited liability company interest by appraisal or by formula and redemption or sale of his limited liability company interest at such value, or other penalties or consequences.

Section 93. Section 608.422, Florida Statutes, is amended to read:

608.422 Management of limited liability company.—The management of the limited liability company, unless otherwise provided in the articles of organization or the regulations, shall be vested in its members in proportion to their contributions to the capital of the limited liability company, as adjusted from time to time to properly reflect any additional contributions or withdrawals by the members; however, if the articles of organization provide for the management of the limited liability company by a manager or managers, the management of the limited liability company may be vested in a manager or managers who shall be elected annually by the members in the manner prescribed by and provided in the articles of organization or the regulations of the limited liability company. The manager or managers shall also hold the offices and have the

responsibilities accorded to them by the members and set out in the articles of organization or the regulations ~~operating agreement~~ of the limited liability company.

Section 94. Section 608.4225, Florida Statutes, is created to read:

608.4225 General standards for managers and managing members.—

(1) A manager or managing member shall discharge his duties as a manager or managing member, including his duties as a member of a committee:

(a) In good faith.

(b) With the care an ordinarily prudent person in a like position would exercise under similar circumstances.

(c) In a manner he reasonably believes to be in the best interests of the limited liability company.

(2) In discharging his duties, a manager or managing member is entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

(a) One or more members or employees of the limited liability company whom the manager or managing member reasonably believes to be reliable and competent in the matters presented;

(b) Legal counsel, public accountants, or other persons as to matters the manager or managing member reasonably believes are within the persons' professional or expert competence; or

(c) A committee of managers or managing members of which he is not a member if the manager or managing member reasonably believes the committee merits confidence.

(3) In discharging his duties, a manager or managing member may consider such factors as he deems relevant, including the long-term prospects and interests of the limited liability company and its members, and the social, economic, legal, or other effects of any action on the employees, suppliers, customers of the limited liability company, the communities and society in which the limited liability company operates, and the economy of the state and the nation.

(4) A manager or managing member is not acting in good faith if he has knowledge concerning the matter in question that makes reliance otherwise permitted by subsection (2) unwarranted.

(5) A manager or managing member is not liable for any action taken as a manager or managing member, or any failure to take any action, if he performed the duties of his position in compliance with this section.

Section 95. Section 608.423, Florida Statutes, is amended to read:

608.423 Limited liability company regulations of company.—

(1) The power to adopt, alter, amend, or repeal the regulations of a limited liability company shall be vested in the members of the company unless vested in the manager or managers of the company by the articles of organization. Regulations adopted by the members or by the manager or managers may be repealed or altered; new regulations may be adopted by the members; and the members may prescribe in any regulations made by them that such regulations may not be altered, amended, or repealed by the manager or managers. The regulations may contain any provisions for the regulation and management of the affairs of the limited liability company not inconsistent with law or the articles of organization.

(2) Unless the articles of organization or the regulations provide otherwise, if the management of the limited liability company is vested in a manager or managers, the managers may adopt regulations to be effective only in an emergency as defined in subsection (5). The emergency regulations, which are subject to amendment or repeal by the members, may make all provisions necessary for managing the limited liability company during an emergency, including procedures for calling a meeting of the managers and designation of additional or substitute managers.

(3) All provisions of the regular regulations consistent with the emergency regulations remain effective during the emergency. The emergency regulations are not effective after the emergency ends.

(4) Actions taken by the limited liability company in good faith in accordance with the emergency regulations have the effect of binding the company and may not be used to impose liability on a manager, employee, or agent of the company.



(5) *An emergency exists for purposes of this section if the limited liability company's managers cannot readily be assembled because of some catastrophic event.*

Section 96. Section 608.4231, Florida Statutes, is created to read:

608.4231 Voting by members and managers.—

(1) Unless otherwise provided in the articles of organization or the regulations:

(a) All members of a limited liability company shall be entitled to vote on matters relating to the limited liability company; and

(b) Each member's vote shall be weighted in proportion to the member's relative capital account; however, if the capital account of each member is negative or zero, each member shall have one vote.

(2) Unless otherwise provided in the articles of organization or the regulations, any manager who is not a member shall not be entitled to vote on matters relating to the limited liability company.

Section 97. Section 608.4232, Florida Statutes, is created to read:

608.4232 Admission of additional members.—Except as otherwise provided in the articles of organization or the regulations, no person may be admitted as a member unless each member consents in writing to the admission of the additional member.

Section 98. Section 608.424, Florida Statutes, is amended to read:

608.424 Contracting debts.—Except as otherwise provided in this chapter, ~~or the articles of organization, or the regulations,~~ no debt shall be contracted nor *contractual* liability incurred by or on behalf of a limited liability company, except by:

(1) One or more of its managers, if management of the limited liability company has been vested by the members in a manager or managers; or

(2) Any member, if management of the limited liability company is retained by the members.

Section 99. Section 608.425, Florida Statutes, is amended to read:

608.425 Limited liability company property.—

(1) *All property originally contributed to the limited liability company or subsequently acquired by a limited liability company by purchase or otherwise is limited liability company property.*

(2) *Unless otherwise provided in the articles of organization or the regulations, property acquired with limited liability company funds is limited liability company property. ~~Real or personal property owned or purchased by a limited liability company shall be held and owned, and conveyance shall be made, in the name of the limited liability company.~~*

(3) Instruments and documents providing for the acquisition, mortgage, or disposition of property of the limited liability company shall be valid and binding upon the company, if they are executed by *the persons authorized in the articles of organization or the regulations to execute such documents on behalf of the limited liability company, or, if the articles of organization or the regulations do not provide for the execution of such documents, one or more managers of a limited liability company having a manager or managers, or if they are executed by one or more members of a limited liability company in which management has been retained in the members.*

Section 100. Section 608.426, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 608.426, F.S., for present text.)*

608.426 Distribution of property; impairment of capital.—

(1) The limited liability company may, from time to time, distribute its property to its members in accordance with the provisions contained in the regulations, except that no distribution may be made if after the distribution the limited liability company would not be able to pay its debts as they become due in the usual course of business, or the limited liability company's total assets would be less than the sum of its total liabilities (except liabilities to members on account of their contributions, unless otherwise provided in the articles of organization). If the regulations do not provide for the payment of distributions to members, the distributions, when made, must be allocated on the basis of each member's relative capital account.

(2) The managers or managing members of a limited liability company may base a determination that a distribution is not prohibited under subsection (1) either on financial statements prepared on the basis of accounting practices and principles that are reasonable in the circumstances or on a fair valuation or other method that is reasonable in the circumstances. In the case of any distribution based upon such a valuation, each such distribution shall be identified as a distribution based upon a current valuation of assets, and the amount distributed shall be disclosed to the receiving members concurrent with their receipt of the distribution.

(3) A manager or managing member who votes for or assents to a distribution made in violation of this section, the articles of incorporation, or the regulations, is personally liable to the limited liability company for the amount of the distribution that exceeds what could have been distributed without such violation if it is established that he did not perform his duties in compliance with s. 607.0830. In any proceeding commenced under this section, a manager or managing member has all of the defenses ordinarily available to a manager or managing member.

(4) A manager or managing member held liable under subsection (1) for an unlawful distribution is entitled to contribution:

(a) From every other manager or managing member who could be liable under subsection (1) for the unlawful distribution; and

(b) From each member for the amount the member accepted knowing the distribution was made in violation of this section, the articles of incorporation, or the regulations.

(5) A proceeding under this section is barred unless it is commenced within 2 years after the date on which the distribution was made. In the case of a distribution in the form of indebtedness, each payment of principal or interest is treated as a distribution.

Section 101. Section 608.4261, Florida Statutes, is created to read:

608.4261 Sharing of profits and losses.—The profits and losses of the limited liability company shall be allocated among the members in the manner provided in the articles of organization or the regulations. If the articles of organization or the regulations do not provide for the allocation of profits and losses among members, profits and losses shall be allocated on the basis of each member's relative capital account.

Section 102. Section 608.427, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 608.427, F.S., for present text.)*

608.427 Withdrawal or reduction of members' contributions to capital.—

(1) A member may withdraw from a limited liability company at the time or upon the happening of an event specified in the articles of organization or the regulations. If the articles of organization and regulations do not specify the time or the events upon the happening of which a member may withdraw or a definite time for the dissolution and the winding up of the limited liability company, a member may withdraw upon not less than 6 months' prior written notice to each nonwithdrawing member at his address as set forth in the records that are required to be kept under s. 608.4101.

(2) Except as provided in subsection (3), upon withdrawal, a withdrawing member is entitled to receive any distribution to which he is entitled under the articles of organization or regulations, and, if not otherwise provided in the articles of organization and regulations, he is entitled to receive, within a reasonable time after withdrawal, the balance of his capital account.

(3) A member may not receive a distribution from a limited liability company to the extent that, after giving effect to the distribution, all liabilities of the limited liability company, other than liabilities to members on account of their ownership interests in the limited liability company, exceed the value of the limited liability company's assets.

(4) In the absence of a statement in the articles of organization or the regulations to the contrary or the consent of all members of the limited liability company, a member, irrespective of the nature of his or its contribution, has only the right to demand and receive cash in return for his or its contribution to capital.

Section 103. Section 608.428, Florida Statutes, is created to read:

608.428 Liability upon return of contribution.—

(1)(a) If a member receives the return of any part of his contribution without violation of the articles of organization, the regulations, or this chapter, he is liable to the limited liability company for a period of 1 year thereafter for the amount of the returned contribution, but only to the extent necessary to discharge the limited liability company's liabilities to creditors who extended credit to the limited liability company during the period the contribution was held by the limited liability company.

(b) If a member receives the return of any part of his contribution in violation of the articles of organization, the regulations, or this chapter, he is liable to the limited liability company for a period of 6 years thereafter for the amount of the contribution wrongfully returned.

(2) A member receives a return of his contribution to the extent that a distribution to him reduces his share of the fair value of the net assets of the limited liability company below the value, as set forth in the records that the limited liability company is required to keep pursuant to s. 608.4101, of his contribution which has not been distributed to him.

Section 104. Section 608.432, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 608.432, F.S., for present text.)*

608.432 Transferability of member's interest.—

(1) Unless otherwise provided in the articles of organization or the regulations:

(a) A member's interest in a limited liability company is not assignable in whole or in part.

(b) An assignment of a member's interest in a limited liability company does not dissolve a limited liability company or entitle the assignee to become or to exercise any rights or powers of a member.

(c) An assignment entitles the assignee to share in the profits and losses of the limited liability company, to receive such distribution or distributions, and to receive such allocation of income, gain, loss deduction, or credit or similar item to which the assignor was entitled, to the extent assigned.

(d) A member ceases to be a member and ceases to have the power to exercise any rights or powers of a member upon assignment of his entire interest in the limited liability company.

(2) The articles of organization or the regulations may provide that a member's interest in the limited liability company may be evidenced by a certificate of limited liability company interest issued by the limited liability company and may also provide for the assignment or transfer of any limited liability company interest represented by such a certificate and make other provisions with respect to such certificates.

Section 105. Section 608.433, Florida Statutes, is created to read:

608.433 Right of assignee to become member.—

(1) Unless otherwise provided in the articles of organization, an assignee of a limited liability company interest may become a member only if all other members consent.

(2) An assignee who has become a member has, to the extent assigned, the rights and powers, and is subject to the restrictions and liabilities, of a member under the articles of organization, the regulations, and this chapter. An assignee who becomes a member also is liable for the obligations of his assignor to make and return contributions as provided in ss. 608.4211 and 608.428. However, the assignee is not obligated for liabilities which are unknown to the assignee at the time he became a member and which could not be ascertained from the regulations.

(3) If an assignee of a limited liability company interest becomes a member, the assignor is not released from his liability to the limited liability company under ss. 608.4362, 608.426, and 608.4211.

(4) On application to a court of competent jurisdiction by any judgment creditor of a member, the court may charge the limited liability company interest of the member with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of an assignee of the limited liability company interest. This chapter does not deprive any member of the benefit of any exemption laws applicable to his limited liability company interest.

Section 106. Section 608.434, Florida Statutes, is created to read:

608.434 Power of estate of deceased or incompetent member.—If a member who is an individual dies or if a court of competent jurisdiction adjudges a member who is an individual to be incompetent to manage his person or his property, the member's executor, administrator, guardian, conservator, or other legal representative may exercise all the member's rights for the purpose of settling his estate or administering his property, including any power the member had to give an assignee the right to become a member. If a member is a corporation, limited liability company, trust, or other entity and is dissolved or terminated, the powers of that member may be exercised by its legal representative or successor.

Section 107. Section 608.436, Florida Statutes, is amended to read:

608.436 Liability of members and managers.—Neither the members of a limited liability company nor the managers of a limited liability company managed by a manager or managers are liable under a judgment, decree, or order of a court, or in any other manner, for a debt, obligation, or liability of the limited liability company, *except as provided in this chapter*.

Section 108. Section 608.4362, Florida Statutes, is created to read:

608.4362 Liability of managers and managing members.—

(1) A manager or a managing member shall not be personally liable for monetary damages to the limited liability company or any other person for any statement, vote, decision, or failure to act, regarding management or policy decisions, by a manager or a managing member, unless:

(a) The manager or managing member breached or failed to perform his duties as a manager or managing member; and

(b) The manager or managing member's breach of, or failure to perform, those duties constitutes any of the following:

1. A violation of the criminal law, unless the manager or managing member had a reasonable cause to believe his conduct was lawful or had no reasonable cause to believe his conduct was unlawful. A judgment or other final adjudication against a manager or managing member in any criminal proceeding for a violation of the criminal law estops that manager or managing member from contesting the fact that his breach, or failure to perform, constitutes a violation of the criminal law; but does not estop the manager or managing member from establishing that he had reasonable cause to believe that his conduct was lawful or had no reasonable cause to believe that his conduct was unlawful.

2. A transaction from which the manager or managing member derived an improper personal benefit, either directly or indirectly.

3. A distribution in violation of s. 608.426.

4. In a proceeding by or in the right of the limited liability company to procure a judgment in its favor or by or in the right of a member, conscious disregard of the best interest of the limited liability company, or willful misconduct.

5. In a proceeding by or in the right of someone other than the limited liability company or a member, recklessness or an act or omission which was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(2) For the purposes of this section, the term "recklessness" means acting, or failing to act, in conscious disregard of a risk known, or so obvious that it should have been known, to the manager or managing member, and known to the manager or managing member, or so obvious that it should have been known, to be so great as to make it highly probable that harm would follow from such action or failure to act.

(3) A manager or managing member is deemed not to have derived an improper personal benefit from any transaction if the transaction and the nature of any personal benefit derived by the manager or managing member are not prohibited by state or federal law or regulations and, without further limitation, the transaction and the nature of any personal benefits derived by a manager or managing member are disclosed or known to the members, and the transaction was authorized, approved, or ratified by majority consent of the members other than the managing member, or the transaction was fair and reasonable to the limited liability company at the time it was authorized by the manager or managing member, notwithstanding that a manager or managing member received a personal benefit.

(4) The circumstances set forth in subsection (3) are not exclusive and do not preclude the existence of other circumstances under which a manager will be deemed not to have derived an improper benefit.

Section 109. Section 608.4363, Florida Statutes, is created to read:

608.4363 Indemnification of managing members, managers, officers, employees, and agents.—

(1) A limited liability company shall have power to indemnify any person who was or is a party to any proceeding by reason of the fact that he is or was a manager or a managing member of the limited liability company or is or was serving at the request of the limited liability company as a manager, managing member, officer, employee, or agent of another limited liability company, corporation, partnership, joint venture, trust, or other enterprise against liability incurred in connection with such proceeding, including any appeal thereof, if he acted in good faith and in a manner he reasonably believed to be in, or not opposed to, the best interests of the limited liability company and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any proceeding by judgment, order, settlement, or conviction or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in, or not opposed to, the best interests of the limited liability company, or, with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful.

(2) A limited liability company shall have power to indemnify any person, who was or is a party to any proceeding by or in the right of the limited liability company to procure a judgment in its favor by reason of the fact that he is or was a manager, managing member, officer, employee, or agent of the limited liability company or is or was serving at the request of the limited liability company as a manager, managing member, director, officer, employee, or agent of another limited liability company, corporation, partnership, joint venture, trust, or other enterprise, against expenses and amounts paid in settlement not exceeding, in the judgment of a majority of the members, the estimated expense of litigating the proceeding to conclusion, actually and reasonably incurred in connection with the defense or settlement of such proceeding, including any appeal thereof. Such indemnification shall be authorized if such person acted in good faith and in a manner he reasonably believed to be in, or not opposed to, the best interests of the limited liability company, except that no indemnification shall be made under this subsection in respect of any claim, issue, or matter as to which such person shall have been adjudged to be liable unless, and only to the extent that, the court in which such proceeding was brought, or any other court of competent jurisdiction, shall determine upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court shall deem proper.

(3) To the extent that any manager, managing member, officer, employee, or agent of a limited liability company has been successful on the merits or otherwise in defense of any proceeding referred to in subsection (1) or subsection (2), or in defense of any claim, issue, or matter therein, he shall be indemnified against expenses actually and reasonably incurred by him in connection therewith.

(4) Any indemnification under subsection (1) or subsection (2), unless pursuant to a determination by a court, shall be made by the limited liability company only as authorized in the specific case upon a determination that indemnification of the manager, managing member, officer, employee, or agent is proper in the circumstances because he has met the applicable standard of conduct set forth in subsection (1) or subsection (2). Such determination shall be made in one of the following manners:

(a) By the members by a majority vote.

(b) By majority vote of a committee duly designated by the members, in which members who are parties may participate, consisting solely of two or more members not at the time parties to the proceeding.

(c) By independent legal counsel selected by the members prescribed in paragraph (a) or the committee prescribed in paragraph (b).

(5) Evaluation of the reasonableness of expenses and authorization of indemnification shall be made in the same manner as the determination that indemnification is permissible. However, if the determination of permissibility is made by independent legal counsel, persons specified by paragraph (4)(c) shall evaluate the reasonableness of expenses and may authorize indemnification.

(6) Expenses incurred by a manager, managing member, officer, or member, in defending a civil or criminal proceeding may be paid by the limited liability company in advance of the final disposition of such proceeding upon receipt of an undertaking by or on behalf of such manager, managing member, officer, or member, to repay such amount if he is ultimately found not to be entitled to indemnification by the limited liability company pursuant to this section. Expenses incurred by other employees and agents may be paid in advance upon such terms or conditions that the members or managers deem appropriate.

(7) The indemnification and advancement of expenses provided pursuant to this section are not exclusive, and a limited liability company may make any other expenditure for further indemnification or advancement of expenses of any of its managing members, managers, officers, employees, or agents, under the articles of organization or the regulations, vote of members, or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office. However, indemnification or advancement of expenses shall not be made to or on behalf of any manager, managing member, officer, employee, or agent if a judgment or other final adjudication establishes that his actions, or omissions to act, were material to the cause of action so adjudicated and constitute any of the following:

(a) A violation of the criminal law, unless the managing member, manager, officer, employee, or agent had no reasonable cause to believe his conduct was unlawful.

(b) A transaction from which the managing member, manager, officer, employee, or agent derived an improper personal benefit.

(c) In the case of a manager or managing member, a circumstance under which the liability provisions of s. 608.426 are applicable.

(d) Willful misconduct or a conscious disregard for the best interests of the limited liability company in a proceeding by or in the right of the limited liability company to procure a judgment in its favor or in a proceeding by or in the right of a member.

(8) Indemnification and advancement of expenses as provided in this section shall continue, unless otherwise provided when authorized or ratified, as to a person who has ceased to be a managing member, manager, officer, employee, or agent and shall inure to the benefit of the heirs, executors, and administrators of such a person, unless otherwise provided when authorized or ratified.

(9) Unless the limited liability company's articles of organization or regulations provide otherwise, notwithstanding the failure of a limited liability company to provide indemnification, and despite any contrary determination of the members in the specific case, a managing member, manager, officer, employee, or agent of the limited liability company who is or was a party to a proceeding may apply for indemnification or advancement of expenses, or both, to the court conducting the proceeding, to the circuit court, or to another court of competent jurisdiction. On receipt of an application, the court, after giving any notice that it considers necessary, may order indemnification and advancement of expenses, including expenses incurred in seeking court-ordered indemnification or advancement of expenses, if it determines that any of the following apply:

(a) The managing member, manager, officer, employee, or agent is entitled to mandatory indemnification under subsection (3), in which case the court shall also order the limited liability company to pay the person reasonable expenses incurred in obtaining court-ordered indemnification or advancement of expenses.

(b) The managing member, manager, director, officer, employee, or agent is entitled to indemnification or advancement of expenses, or both, by virtue of the exercise by the limited liability company of its power pursuant to subsection (7).

(c) The managing member, manager, director, officer, employee, or agent is fairly and reasonably entitled to indemnification or advancement of expenses, or both, in view of all the relevant circumstances, regardless of whether such person met the standard of conduct set forth in subsection (1), subsection (2), or subsection (7).

(10) For the purposes of this section:

(a) The term "other enterprises" includes employee benefit plans.

(b) The term "expenses" includes counsel fees, including those for appeal.

(c) The term "liability" includes obligations to pay a judgment, settlement, penalty, fine, including an excise tax assessed with respect to any employee benefit plan, and expenses actually and reasonably incurred with respect to a proceeding.

(d) The term "proceeding" includes any threatened, pending, or completed action, suit, or other type of proceeding, whether civil, criminal, administrative, or investigative, and whether formal or informal.

(e) The term "agent" includes a volunteer.

(f) The term "serving at the request of the limited liability company" includes any service as a manager, managing member, officer, employee, or agent of the limited liability company that imposes duties on such persons, including duties relating to an employee benefit plan and its participants or beneficiaries.

(g) The term "not opposed to the best interest of the limited liability company" describes the actions of a person who acts in good faith and in a manner he reasonably believes to be in the best interests of the participants and beneficiaries of an employee benefit plan.

(11) A limited liability company shall have power to purchase and maintain insurance on behalf of any person who is or was a managing member, manager, officer, employee, or agent of the limited liability company or is or was serving at the request of the limited liability company as a manager, managing member, director, officer, employee, or agent of another limited liability company, corporation, partnership, joint venture, trust, or other enterprise against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the limited liability company would have the power to indemnify him against such liability under the provisions of this section.

Section 110. Section 608.441, Florida Statutes, is amended to read:

608.441 Dissolution.—

(1) A limited liability company organized under this chapter shall be dissolved upon the occurrence of any of the following events:

(a) When the period fixed for the duration of the limited liability company expires.

(b) By the unanimous written agreement of all members.

(c) Upon the death, ~~retirement, resignation, expulsion,~~ bankruptcy, or dissolution of a member or upon the occurrence of any other event which terminates the continued membership of a member in the limited liability company, unless the business of the limited liability company is continued by the consent of all the remaining members or under a right to continue stated in the articles of organization of the limited liability company.

(d) *When a limited liability company has fewer than two members.*

(2) *On application by or for a member, the circuit court may order dissolution of a limited liability company if it is not reasonably practicable to carry on the business of the limited liability company in conformity with the articles of organization or the regulations.*

(3) *Following the occurrence of any of the events specified in this section, the limited liability company shall deliver articles of dissolution to the Department of State for filing.*

~~(2) As soon as possible following the occurrence of any of the events specified in subsection (1) which effects the dissolution of the limited liability company, the limited liability company shall execute a statement of intent to dissolve in the form prescribed by the Department of State.~~

Section 111. Section 608.4411, Florida Statutes, is created to read:

608.4411 Revocation of dissolution.—

(1) A limited liability company may revoke its dissolution at any time prior to the expiration of 120 days following the effective date of the articles of dissolution.

(2) Revocation of dissolution shall be authorized in the same manner as the dissolution was authorized.

(3) After revocation of dissolution is authorized, the limited liability company may revoke the dissolution by delivering articles of revocation of dissolution to the Department of State for filing, together with a copy of its articles of dissolution, that set forth:

(a) The name of the limited liability company.

(b) The effective date of the dissolution that was revoked.

(c) The date that the revocation of dissolution was authorized.

(4) Revocation of dissolution is effective upon the effective date of the articles of revocation of dissolution.

(5) When the revocation of dissolution is effective, it relates back to and takes effect as of the effective date of the dissolution and the limited liability company resumes carrying on its business as if dissolution never occurred.

Section 112. Section 608.4421, Florida Statutes, is created to read:

608.4421 Claims against dissolved limited liability company.—

(1) A dissolved limited liability company may dispose of the known claims against it by following the procedures described in subsections (2), (3), and (4).

(2) The dissolved limited liability company shall deliver to each of its known claimants written notice of the dissolution at any time after its effective date. The written notice shall:

(a) Provide a reasonable description of the claim that the claimant may be entitled to assert.

(b) State whether the claim is admitted or not admitted, in whole or in part, and, if admitted:

1. The amount that is admitted, which may be as of a given date.

2. Any interest obligation if fixed by an instrument of indebtedness.

(c) Provide a mailing address where a claim may be sent.

(d) State the deadline, which may not be fewer than 120 days after the effective date of the written notice, by which confirmation of the claim must be delivered to the dissolved limited liability company.

(e) State that the limited liability company may make distributions thereafter to other claimants and its members or former members without further notice.

(3) A dissolved limited liability company may reject, in whole or in part, any claim made by a claimant pursuant to this subsection by mailing written notice of such rejection to the claimant within 90 days after receipt of such claim and, in all events, at least 150 days before expiration of 3 years following the effective date of dissolution. A notice sent by the limited liability company pursuant to this subsection shall be accompanied by a copy of this section.

(4) A limited liability company electing to follow the procedures described in subsections (2) and (3) shall also give notice of the dissolution of the limited liability company to persons with claims contingent upon the occurrence or nonoccurrence of future events or otherwise conditional or unmatured, and request that such persons present such claims in accordance with the terms of such notice. Such notice shall be in substantially the form, and sent in the same manner, as described in subsection (2).

(5) A dissolved limited liability company shall offer any claimant whose claim is contingent, conditional, or unmatured such security as the limited liability company determines is sufficient to provide compensation to the claimant if the claim matures. The dissolved limited liability company shall deliver such offer to the claimant within 90 days after receipt of such claim and, in all events, at least 150 days before expiration of 3 years following the effective date of dissolution. If the claimant offered such security does not deliver in writing to the dissolved limited liability company a notice rejecting the offer within 120 days after receipt of such offer for security, the claimant is deemed to have accepted such security as the sole source from which to satisfy his claim against the limited liability company.

(6) A dissolved limited liability company which has given notice in accordance with subsections (2) and (4) shall petition the circuit court in the county where the limited liability company's principal office is located or was located at the effective date of dissolution to determine the amount and form of security that will be sufficient to provide compensation to any claimant who has rejected the offer for security made pursuant to subsection (5).

(7) A dissolved limited liability company which has given notice in accordance with subsection (2) shall petition the circuit court in the county where the limited liability company's principal office is located or was located at the effective date of dissolution to determine the amount and form of security which will be sufficient to provide compensation to claimants whose claims are known to the limited liability company but whose identities are unknown. The court shall appoint a guardian ad litem to represent all claimants whose identities are unknown in any proceeding brought under this subsection. The reasonable fees and expenses of such guardian, including all reasonable expert witness fees, shall be paid by the petitioner in such proceeding.

(8) The giving of any notice or making of any offer pursuant to the provisions of this section shall not revive any claim then barred or constitute acknowledgment by the dissolved limited liability company that any person to whom such notice is sent is a proper claimant and shall not operate as a waiver of any defense or counterclaim in respect of any claim asserted by any person to whom such notice is sent.

(9) A dissolved limited liability company which has followed the procedures described in subsections (2)-(7):

(a) Shall pay the claims admitted or made and not rejected in accordance with subsection (3).

(b) Shall post the security offered and not rejected pursuant to subsection (5).

(c) Shall post any security ordered by the circuit court in any proceeding under subsections (6) and (7).

(d) Shall pay or make provision for all other obligations of the limited liability company.

Such claims or obligations shall be paid in full, and any such provision for payments shall be made in full if there are sufficient funds. If there are insufficient funds, such claims and obligations shall be paid or provided for according to their priority and, among claims of equal priority, ratably to the extent of funds legally available therefor. Any remaining funds shall be distributed pursuant to s. 608.444; however, such distribution may not be made before the expiration of 150 days from the date of the last notice of rejections given pursuant to subsection (3).

(10) A dissolved limited liability company which has not followed the procedures described in subsections (2) and (3) shall pay or make reasonable provision to pay all claims and obligations, including all contingent, conditional, or unmatured claims known to the limited liability company and all claims which are known to the dissolved limited liability company but for which the identity of the claimant is unknown. Such claims shall be paid in full, and any such provision for payment made shall be made in full if there are sufficient funds. If there are insufficient funds, such claims and obligations shall be paid or provided for according to their priority and, among claims of equal priority, ratably to the extent of funds legally available therefor. Any remaining funds shall be distributed pursuant to s. 608.444.

(11) A member of a dissolved limited liability company, the assets of which were distributed pursuant to subsection (9) or subsection (10) is not liable for any claim against the limited liability company in an amount in excess of such member's pro rata share of the claim or the amount distributed to the member, whichever is less.

(12) A member of a dissolved limited liability company, the assets of which were distributed pursuant to subsection (9) is not liable for any claim against the limited liability company on which a proceeding is not begun prior to the expiration of 3 years following the effective date of dissolution.

(13) The aggregate liability of any member of a dissolved limited liability company for claims against the dissolved limited liability company may not exceed the amount distributed to the member in dissolution.

Section 113. Section 608.4431, Florida Statutes, is created to read:

608.4431 Effect of dissolution.—

(1) A dissolved limited liability company continues its existence but may not carry on any business except that appropriate to wind up and liquidate its business and affairs, including:

(a) Collecting its assets.

(b) Disposing of its properties that will not be distributed in kind to its members.

(c) Discharging or making provision for discharging its liabilities.

(d) Distributing its assets in accordance with s. 608.444.

(e) Doing every other act necessary to wind up and liquidate its business and affairs.

(2) Dissolution of a limited liability company does not:

(a) Transfer title to the limited liability company assets.

(b) Prevent commencement of a proceeding by or against the limited liability company in its name.

(c) Abate or suspend a proceeding pending by or against the limited liability company on the effective date of dissolution.

(d) Terminate the authority of the registered agent of the limited liability company.

(3) The name of the dissolved limited liability company shall not be available for assumption or use by another limited liability company until 120 days after the effective date of dissolution.

Section 114. Section 608.444, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 608.444, F.S., for present text.)*

608.444 Distribution of assets upon dissolution.—In settling accounts after dissolution of a limited liability company, the assets of the limited liability company must be distributed in the following order:

(1) To creditors, including members who are creditors, to the extent permitted by law in satisfaction of liabilities of the limited liability company, whether by payment or establishment of reserves, other than liabilities for distributions to members under s. 608.426 or s. 608.427.

(2) Except as provided in the regulations, to members and former members in satisfaction of liabilities for distributions under s. 608.426 or s. 608.427.

(3) Except as provided in the articles of organization or the regulations, to members in proportion to their respective capital accounts.

Section 115. Section 608.445, Florida Statutes, is amended to read:

608.445 Articles of dissolution.—~~The articles of dissolution When all debts, liabilities, and obligations of the limited liability company have been paid or discharged, or adequate provision has been made therefor, and all of the remaining property and assets of the limited liability company have been distributed to the members, articles of dissolution shall be executed and verified by the person signing the statement, which statement shall set forth:~~

(1) The name of the limited liability company.

(2) The effective date of the limited liability company's dissolution.

(3) A description of the occurrence that resulted in the limited liability company's dissolution pursuant to s. 608.441.

~~(3) The fact that the Department of State has theretofore filed a statement of intent to dissolve the company and the date on which such statement was filed.~~

(4)(3) The fact that all debts, obligations, and liabilities of the limited liability company have been paid or discharged, or that adequate provision has been made therefor pursuant to s. 608.4421.

(5)(4) The fact that all the remaining property and assets have been distributed among its members in accordance with their respective rights and interests.

(6)(5) The fact that there are no suits pending against the company in any court or that adequate provision has been made for the satisfaction of any judgment, order, or decree which may be entered against it in any pending suit.

Section 116. Subsection (1) of section 608.446, Florida Statutes, is amended to read:

608.446 Filing of articles of dissolution.—



(1) The articles of dissolution of the limited liability company shall be delivered to the Department of State. If the Department of State finds that such articles of dissolution conform to law, it shall, when all fees and license taxes have been paid as prescribed in this chapter, *file the articles of organization and file the statement of intent to dissolve the company in accordance with this chapter. The Department of State shall then issue a certificate of dissolution.*

Section 117. Section 608.448, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 608.448, F.S., for present text.)*

608.448 Grounds for administrative dissolution.—

(1) The Department of State may commence a proceeding under s. 608.4481 to administratively dissolve a limited liability company if:

(a) The limited liability company has failed to file its annual report or pay the annual report filing fee within the time required by this chapter.

(b) The limited liability company is without a registered agent or registered office in this state for 30 days or more.

(c) The limited liability company does not notify the Department of State within 30 days that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued.

(d) The limited liability company has failed to answer truthfully and fully, within the time prescribed by this chapter, interrogatories propounded by the Department of State.

(e) The limited liability company's period of duration has expired.

(2) The enumeration in subsection (1) of grounds for involuntary dissolution does not exclude actions or special proceedings by the Department of Legal Affairs or any state officials for the annulment or dissolution of a limited liability company for other causes as provided in any other law of this state.

Section 118. Section 608.4481, Florida Statutes, is created to read:

608.4481 Procedure for and effect of administrative dissolution.—

(1) If the Department of State determines that one or more grounds exist under s. 608.448 for dissolving a limited liability company, it shall serve the limited liability company with written notice of its determination, stating the grounds therefor.

(2) If the limited liability company does not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the Department of State that each ground determined by the department does not exist within 60 days after issuance of the notice, the department shall administratively dissolve the limited liability company by issuing a certificate of dissolution that recites the ground or grounds for dissolution and its effective date.

(3) A limited liability company administratively dissolved continues its existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs and notify claimants under s. 608.4421.

(4) A manager or member of a limited liability company dissolved pursuant to this section, purporting to act on behalf of the limited liability company, is personally liable for the debts, obligations, and liabilities of the limited liability company arising from such action and incurred subsequent to the limited liability company's administrative dissolution only if he has actual notice of the administrative dissolution at the time such action is taken; but such liability shall be terminated upon the ratification of such action by the limited liability company's members subsequent to the reinstatement of the limited liability company under s. 608.4482.

(5) The administrative dissolution of a limited liability company does not terminate the authority of its registered agent.

Section 119. Section 608.4482, Florida Statutes, is created to read:

608.4482 Reinstatement following administrative dissolution.—

(1)(a) A limited liability company administratively dissolved under s. 608.4481 may apply to the Department of State for reinstatement at any time after the effective date of dissolution. The application shall:

1. Recite the name of the limited liability company and the effective date of its administrative dissolution.

2. State that the ground or grounds for dissolution either did not exist or have been eliminated and that no further grounds currently exist for dissolution.

3. State that the limited liability company's name satisfies the requirements of s. 608.406.

4. State that all fees owed by the limited liability company and computed at the rate provided by law at the time the limited liability company applies for reinstatement have been paid.

(b) As an alternative to the procedures of paragraph (a), an administratively dissolved limited liability company may submit a current annual report, signed by the registered agent, which substantially complies with the requirements of paragraph (a).

(2) If the Department of State determines that the application contains the information required by subsection (1) and that the information is correct, it shall cancel the certificate of dissolution and prepare a certificate of reinstatement that recites its determination and the effective date of reinstatement, file the original of the certificate, and serve a copy on the limited liability company.

(3) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution and the limited liability company resumes carrying on its business as if the administrative dissolution had never occurred.

(4) The name of the dissolved limited liability company shall not be available for assumption or use by another limited liability company until 1 year after the effective date of dissolution unless the dissolved limited liability company provides the Department of State with an affidavit executed as required by s. 608.408 permitting the immediate assumption or use of the name by another limited liability company.

Section 120. Section 608.4483, Florida Statutes, is created to read:

608.4483 Appeal from denial or reinstatement.—

(1) If the Department of State denies a limited liability company's application for reinstatement following administrative dissolution, it shall serve the limited liability company with a written notice that explains the reason or reasons for denial.

(2) After exhaustion of administrative remedies, the limited liability company may appeal the denial of reinstatement to the appropriate court as provided in s. 120.68(1) and (2) within 30 days after service of the notice of denial is perfected. The limited liability company appeals by petitioning the court to set aside the dissolution and attaching to the petition copies of the Department of State's certificate of dissolution, the limited liability company's application for reinstatement, and the department's notice of denial.

(3) The court may summarily order the Department of State to reinstate the dissolved limited liability company or may take other action the court considers appropriate.

(4) The court's final decision may be appealed as in other civil proceedings.

Section 121. Section 608.449, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 608.449, F.S., for present text.)*

608.449 Grounds for judicial dissolution.—A circuit court may dissolve a limited liability company:

(1)(a) In a proceeding by the Department of Legal Affairs if it is established that:

1. The limited liability company obtained its articles of organization through fraud; or

2. The limited liability company has continued to exceed or abuse the authority conferred upon it by law.

(b) The enumeration in paragraph (a) of grounds for involuntary dissolution does not exclude actions or special proceedings by the Department of Legal Affairs or any state official for the annulment or dissolution of a limited liability company for other causes as provided in any other law of this state.

(2) In a proceeding by a member if it is established that:

(a) The managers are deadlocked in the management of the limited liability company affairs, the members are unable to break the deadlock, and irreparable injury to the limited liability company is threatened or being suffered; or

(b) The limited liability company's assets are being misapportioned or wasted.

(3) In a proceeding by a creditor if it is established that:

(a) The creditor's claim has been reduced to judgment, the execution on that judgment returned unsatisfied, and the limited liability company is insolvent; or

(b) The limited liability company has admitted in writing that the creditor's claim is due and owing and the limited liability company is insolvent.

(4) In a proceeding by the limited liability company to have its voluntary dissolution continued under court supervision.

Section 122. Section 608.4491, Florida Statutes, is created to read:

608.4491 Procedure for judicial dissolution.—

(1) Venue for a proceeding brought under s. 608.449 lies in the circuit court of the county where the limited liability company's principal office is or was last located, as shown by the records of the Department of State, or, if none in this state, where its registered office is or was last located.

(2) It is not necessary to make members parties to a proceeding to dissolve a limited liability company unless relief is sought against them individually.

(3) A court in a proceeding brought to dissolve a limited liability company may issue injunctions, appoint a receiver or custodian pendente lite with all powers and duties the court directs, take other action required to preserve the limited liability company's assets wherever located, and carry on the business of the limited liability company until a full hearing can be held.

Section 123. Section 608.4492, Florida Statutes, is created to read:

608.4492 Receivership or custodianship.—

(1) A court in a judicial proceeding brought to dissolve a limited liability company may appoint one or more receivers to wind up and liquidate, or one or more custodians to manage, the business and affairs of the limited liability company. The court shall hold a hearing, after notifying all parties to the proceeding and any interested persons designated by the court, before appointing a receiver or custodian. The court appointing a receiver or custodian has exclusive jurisdiction over the limited liability company and all of its property wherever located.

(2) The court may appoint a person authorized to act as a receiver or custodian. The court may require the receiver or custodian to post bond, with or without sureties, in an amount the court directs.

(3) The court shall describe the powers and duties of the receiver or custodian in its appointing order, which may be amended from time to time. Among other powers:

(a) The receiver:

1. May dispose of all or any part of the assets of the limited liability company wherever located, at a public or private sale, if authorized by the court.

2. May sue and defend in his own name as receiver of the limited liability company in all courts of this state.

(b) The custodian may exercise all of the powers of the limited liability company, through or in place of its managers or members, to the extent necessary to manage the affairs of the limited liability company in the best interests of its members and creditors.

(4) The court during a receivership may redesignate the receiver a custodian, and during a custodianship may redesignate the custodian a receiver, if doing so is in the best interests of the limited liability company and its members and creditors.

(5) The court from time to time during the receivership or custodianship may order compensation paid and expense disbursements or reim-

bursements made to the receiver or custodian and his counsel from the assets of the limited liability company or proceeds from the sale of assets.

(6) The court has jurisdiction to appoint an ancillary receiver for the assets and business of a limited liability company. The ancillary receiver shall serve ancillary to a receiver located in any other state, whenever the court deems that circumstances exist requiring the appointment of such a receiver. The court may appoint such an ancillary receiver for a foreign limited liability company even though no receiver has been appointed elsewhere. Such receivership shall be converted into an ancillary receivership when an order entered by a court of competent jurisdiction in the other state provides for a receivership of the limited liability company.

Section 124. Section 608.4493, Florida Statutes, is created to read:

608.4493 Decree of dissolution.—

(1) If after a hearing the court determines that one or more grounds for judicial dissolution described in s. 608.449 exist, it may enter a decree dissolving the limited liability company and specifying the effective date of the dissolution, and the clerk of the court shall deliver a certified copy of the decree to the Department of State, which shall file it.

(2) After entering the decree of dissolution, the court shall direct the winding up and liquidation of the limited liability company's business and affairs in accordance with s. 608.4431 and the notification of claimants in accordance with s. 608.4421, subject to the provisions of subsection (3).

(3) In a proceeding for judicial dissolution, the court may require all creditors of the limited liability company to file with the clerk of the court or with the receiver, in such form as the court may prescribe, proofs under oath of their respective claims. If the court requires the filing of claims, it shall fix a date, which shall not be less than 4 months from the date of the order, as the last day for filing of claims. The court shall prescribe the deadline for filing claims that shall be given to creditors and claimants. Prior to the date so fixed, the court may extend the time for the filing of claims by court order. Creditors and claimants failing to file proofs of claim on or before the date so fixed may be barred, by order of court, from participating in the distribution of the assets of the limited liability company. Nothing in this section affects the enforceability of any recorded mortgage or lien or the perfected security interest or rights of a person in possession of real or personal property.

Section 125. Section 608.4494, Florida Statutes, is created to read:

608.4494 Deposit with Department of Banking and Finance.—Assets of a dissolved limited liability company that should be transferred to a creditor, claimant, or member of the limited liability company who cannot be found or who is not competent to receive them shall be deposited, within 6 months from the date fixed for the payment of the final liquidating distribution, with the Department of Banking and Finance, where such assets shall be held as abandoned property. When the creditor, claimant, or member furnishes satisfactory proof of entitlement to the amount or assets deposited, the Department of Banking and Finance shall pay him or his representative that amount or those assets.

Section 126. Section 608.4511, Florida Statutes, is created to read:

608.4511 Annual report for Department of State.—

(1) Each domestic limited liability company and each foreign limited liability company authorized to transact business in this state shall deliver to the Department of State for filing a sworn annual report on such forms as the Department of State prescribes that sets forth:

(a) The name of the limited liability company and the state or country under the law of which it is organized.

(b) The date of organization or, if a foreign limited liability company, the date on which it was admitted to do business in this state.

(c) The street address and the mailing address of its principal office.

(d) The limited liability company's federal employer identification number or, if none, whether one has been applied for.

(e) The names and business street address of its managing members and managers.

(f) The street address of its registered office and the name of its registered agent at that office in this state.

(g) Such additional information as may be necessary or appropriate to enable the Department of State to carry out the provisions of this chapter.

(2) Proof to the satisfaction of the Department of State that on or before July 1 such report was deposited in the United States mail in a sealed envelope, properly addressed with postage prepaid, shall be deemed timely compliance with this requirement.

(3) If an annual report does not contain the information required by this section, the Department of State shall promptly notify the reporting domestic or foreign limited liability company in writing and return the report to it for correction. If the report is corrected to contain the information required by this section and delivered to the Department of State within 30 days after the effective date of notice, it is deemed to be timely filed.

(4) Each report shall be executed by the limited liability company by a managing member or manager or, if the limited liability company is in the hands of a receiver or trustee, shall be executed on behalf of the limited liability company by such receiver or trustee, and the signing thereof shall have the same legal effect as if made under oath, without the necessity of appending such oath thereto.

(5) The first annual report shall be delivered to the Department of State between January 1 and July 1 of the year following the calendar year in which a domestic limited liability company was organized or a foreign limited liability company was authorized to transact business. Subsequent annual reports shall be delivered to the Department of State between January 1 and July 1 of the subsequent calendar years.

(6) Information in the annual report shall be current as of the date the annual report is executed on behalf of the limited liability company.

(7) Any limited liability company failing to file an annual report which complies with the requirements of this section shall not be permitted to maintain or defend any action in any court of this state until such report is filed and all fees, penalties, and taxes due under this chapter are paid and shall be subject to dissolution or cancellation of its certificate of authority to do business as provided in this chapter.

Section 127. Section 608.452, Florida Statutes, 1990 Supplement, is amended to read:

*(Substantial rewording of section. See s. 608.452, F.S., 1990 Supp., for present text.)*

608.452 Fees of the Department of State.—The fees of the Department of State under this chapter are as follows:

- (1) For furnishing a certified copy, \$52.50.
- (2) For filing original articles of organization or articles of revocation of dissolution, \$250.
- (3) For filing a supplemental affidavit declaring the amount of capital contributions of the members when there is an increase in capital contribution beyond the anticipated amount, \$250.
- (4) For filing an annual report, \$100.
- (5) For filing an application for reinstatement after an administrative or judicial dissolution, \$500.
- (6) For filing a certificate designating a registered agent or changing a registered agent, \$35.
- (7) For filing a registered agent's statement of resignation from an active limited liability company, \$87.50.
- (8) For filing a registered agent's statement of resignation from a dissolved limited liability company, \$35.
- (9) For filing any other limited liability company document, \$52.50.

Section 128. Section 608.455, Florida Statutes, is amended to read:

608.455 Waiver of notice.—When, under the provisions of this chapter or under the provisions of the articles of organization or ~~regulations operating agreement~~ of a limited liability company, notice is required to be given to a member of a limited liability company or to a manager of a limited liability company having a manager or managers, a waiver in writing signed by the person or persons entitled to the notice, whether made before or after the time for notice to be given, is equivalent to the giving of notice.

Section 129. Subsection (3) is added to section 608.471, Florida Statutes, to read:

608.471 Tax on income of limited liability company.—

(3) A distribution shall be deemed a "dividend" under s. 316 of the Internal Revenue Code as such code is defined in s. 220.03.

Section 130. Section 608.501, Florida Statutes, is created to read:

608.501 Foreign limited liability company; authority to transact business required.—

(1) A foreign limited liability company may not transact business in this state until it obtains a certificate of authority from the Department of State.

(2) The following activities, among others, do not constitute transacting business within the meaning of subsection (1):

- (a) Maintaining, defending, or settling any proceeding.
- (b) Holding meetings of the managers or members or carrying on other activities concerning internal company affairs.
- (c) Maintaining bank accounts.
- (d) Maintaining managers or agencies for the transfer, exchange, and registration of the limited liability company's own securities or maintaining trustees or depositaries with respect to those securities.
- (e) Selling through independent contractors.
- (f) Soliciting or obtaining orders, whether by mail or through employees, agents or otherwise, if the orders require acceptance outside this state before they become contracts.
- (g) Creating or acquiring indebtedness, mortgages, and security interests in real or personal property.
- (h) Securing or collecting debts or enforcing mortgages and security interests in property securing the debts.
- (i) Transacting business in interstate commerce.
- (j) Conducting an isolated transaction that is completed within 30 days and that is not one in the course of repeated transactions of a like nature.
- (k) Owning and controlling a subsidiary corporation or limited liability company incorporated in or transacting business within this state or voting the stock of any corporation which it has lawfully acquired.

(l) Owning a limited partnership interest in a limited partnership that is doing business within this state, unless such limited partner manages or controls the partnership or exercises the powers and duties of a general partner.

(m) Owning, without more, real or personal property.

(3) The list of activities in subsection (2) is not exhaustive.

(4) This section has no application to the question of whether any foreign limited liability company is subject to service of process and suit in this state under any law of this state.

Section 131. Section 608.502, Florida Statutes, is created to read:

608.502 Consequences of transacting business without authority.—

(1) A foreign limited liability company transacting business in this state without a certificate of authority may not maintain a proceeding in any court in this state until it obtains a certificate of authority.

(2) The successor to a foreign limited liability company that transacted business in this state without a certificate of authority and the assignee of a cause of action arising out of that business may not maintain a proceeding based on that cause of action in any court in this state until the foreign limited liability company or its successor obtains a certificate of authority.

(3) A court may stay a proceeding commenced by a foreign limited liability company or its successor or assignee until it determines whether the foreign limited liability company or its successor requires a certificate of authority. If it so determines, the court may further stay the proceeding until the foreign limited liability company or its successor obtains the certificate.

(4) A foreign limited liability company which transacts business in this state without authority to do so shall be liable to this state for the years or parts thereof during which it transacted business in this state without authority in an amount equal to all fees, penalties, and taxes which would have been imposed by this chapter upon such limited liability company had it duly applied for and received authority to transact business in this state as required by this chapter. In addition to the payments thus prescribed, such limited liability company shall be liable for a civil penalty of not less than \$500 or more than \$1,000 for each year or part thereof during which it transacts business in this state without a certificate of authority. The Department of Legal Affairs may collect all penalties due under this subsection.

(5) Notwithstanding subsections (1) and (2), the failure of a foreign limited liability company to obtain a certificate of authority does not impair the validity of any of its contracts, deeds, mortgages, security interests, or acts or prevent it from defending any proceeding in this state.

Section 132. Section 608.503, Florida Statutes, is created to read:

608.503 Application for certificate of authority.—

(1) A foreign limited liability company may apply for a certificate of authority to transact business in this state by delivering an application to the Department of State for filing. Such application shall be made on forms prescribed and furnished by the Department of State and shall set forth:

(a) The name of the foreign limited liability company, which shall satisfy the requirements of s. 608.506.

(b) The jurisdiction under the law of which it is organized.

(c) Its date of organization and period of duration.

(d) The street address of its principal office.

(e) The street address of its registered office in this state and the name of its registered agent at that office.

(f) The names and usual business addresses of its managing members or managers.

(g) Such additional information as may be necessary or appropriate in order to enable the Department of State to determine whether such limited liability company is entitled to file an application for authority to transact business in this state and to determine and assess the fees, penalties, and taxes payable as prescribed in this chapter.

(2) The foreign limited liability company shall deliver with the completed application an affidavit as provided in s. 608.407(2), as well as a certificate of existence, or a document of similar import, duly authenticated, not more than 90 days prior to delivery of the application to the Department of State, by the Secretary of State or other official having custody of records in the jurisdiction under the law of which it is incorporated. A translation of the certificate, under oath of the translator, shall be attached to a certificate which is in a language other than the English language.

(3) A foreign limited liability company shall not be denied authority to transact business in this state by reason of the fact that the laws of the jurisdiction under which such limited liability company is organized governing its organization and internal affairs differ from the laws of this state.

Section 133. Section 608.504, Florida Statutes, is created to read:

608.504 Amended certificate of authority.—

(1) A foreign limited liability company authorized to transact business in this state shall make application to the Department of State to obtain an amended certificate of authority if it changes:

(a) Its limited liability company name.

(b) The period of its duration.

(c) The jurisdiction of its organization.

(2) Such application shall be made within 30 days after the occurrence of any change set forth in subsection (1), shall be made on forms prescribed by the Department of State, shall be executed and filed in the same manner as an original application for authority, and shall set forth:

(a) The name of the foreign limited liability company as it appears on the records of the Department of State.

(b) The jurisdiction of its organization.

(c) The date it was authorized to do business in this state.

(d) If the name of the foreign limited liability company has been changed, the name relinquished, the new name, a statement that the change of name has been effected under the laws of the jurisdiction of its organization, and the date the change was effected.

(e) If the amendment changes its period of duration, a statement of such change.

(f) If the amendment changes the jurisdiction of its organization, a statement of such change.

(3) The requirements of s. 608.503 for obtaining an original certificate of authority apply to obtaining an amended certificate under this section.

Section 134. Section 608.505, Florida Statutes, is created to read:

608.505 Effect of certificate of authority.—

(1) A certificate of authority authorizes the foreign limited liability company to which it is issued to transact business in this state subject, however, to the right of the Department of State to suspend or revoke the certificate as provided in this chapter.

(2) A foreign limited liability company with a valid certificate of authority has the same but no greater rights and has the same but no greater privileges as, and except as otherwise provided by this chapter is subject to the same duties, restrictions, penalties, and liabilities now or later imposed on, a domestic limited liability company of like character.

(3) This chapter does not authorize this state to regulate the organization or internal affairs of a foreign limited liability company authorized to transact business in this state.

Section 135. Section 608.506, Florida Statutes, is created to read:

608.506 Name of foreign limited liability company.—

(1) A foreign limited liability company is not entitled to file an application for a certificate of authority unless the name of such limited liability company satisfies the requirements of s. 608.406. If the limited liability company name of a foreign limited liability company does not satisfy the requirements of s. 608.406, the foreign limited liability company, to obtain or maintain a certificate of authority to transact business in this state may use a fictitious name to transact business in this state if it delivers to the Department of State for filing a copy of the consent of its managing members or managers, adopting the fictitious name. The fictitious name adopted shall satisfy the requirements of s. 608.406.

(2) If a foreign limited liability company authorized to transact business in this state changes its corporate name to one that does not satisfy the requirements of s. 608.406, it may not transact business in this state under the changed name until it adopts a name satisfying the requirements of s. 608.406 and obtains an amended certificate of authority under s. 608.504.

Section 136. Section 608.507, Florida Statutes, is created to read:

608.507 Registered office and registered agent of foreign limited liability company.—Each foreign limited liability company authorized to transact business in this state must continuously maintain in this state:

(1) A registered office that may be the same as any of its places of business.

(2) A registered agent, who may be:

(a) An individual who resides in this state and whose business office is identical with the registered office;

(b) A domestic corporation or domestic limited liability company the business office of which is identical with the registered office; or

(c) A foreign corporation or foreign limited liability company authorized to transact business in this state the business office of which is identical with the registered office.

Section 137. Section 608.508, Florida Statutes, is created to read:

608.508 Change of registered office and registered agent of foreign limited liability company.—

(1) A foreign limited liability company authorized to transact business in this state may change its registered office or registered agent by delivering to the Department of State for filing a statement of change which satisfies the requirements of s. 608.408 and sets forth:

- (a) Its name.
- (b) The street address of its current registered office.
- (c) If the current registered office is to be changed, the street address of its new registered office.
- (d) The name of its current registered agent.
- (e) If the current registered agent is to be changed, the name of its new registered agent and the new agent's written consent, either on the statement or attached to it, to the appointment.
- (f) That, after the change or changes are made, the street address of its registered office and the business office of its registered agent will be identical.

(2) If a registered agent changes the street address of his business office, he may change the street address of the registered office of any foreign limited liability company for which he is the registered agent by notifying the limited liability company in writing of the change and signing, either manually or in facsimile, and delivering to the Department of State for filing a statement of change that complies with the requirements of subsection (1) and recites that the limited liability company has been notified of the change.

Section 138. Section 608.509, Florida Statutes, is created to read:

608.509 Resignation of registered agent or foreign limited liability company.—

(1) The registered agent of a foreign limited liability company may resign his agency appointment by signing and delivering to the Department of State for filing the original statement of resignation and mailing a copy of such statement to the limited liability company at the limited liability company's principal office address shown in its most recent annual report or, if none, shown in its certificate of authority or most recently filed document. This statement of resignation shall state that a copy of such statement has been mailed to the limited liability company at the address so stated. The statement of resignation may include a statement that the registered office is also discontinued.

(2) The agency appointment is terminated, and the registered office discontinued if so provided, on the 31st day after the date on which the statement was filed.

Section 139. Section 608.5101, Florida Statutes, is created to read:

608.5101 Service of process; notice or demand on a foreign limited liability company.—

(1) The registered agent of a foreign limited liability company authorized to transact business in this state is the limited liability company's agent for service of process, notice, or demand required or permitted by law to be served on the foreign limited liability company.

(2) A foreign limited liability company may be served by registered or certified mail, return receipt requested, addressed to the secretary of the foreign limited liability company at its principal office shown in its application for a certificate of authority or in its most recent annual report if the foreign limited liability company:

- (a) Has no registered agent or its registered agent cannot with reasonable diligence be served;
  - (b) Has withdrawn from transacting business in this state under s. 608.511; or
  - (c) Has had its certificate of authority revoked under s. 608.513.
- (3) Service is perfected under subsection (2) at the earliest of:
- (a) The date the foreign limited liability company receives the mail.
  - (b) The date shown on the return receipt, if signed on behalf of the foreign limited liability company.

(c) Five days after its deposit in the United States mail, as evidenced by the postmark, if mailed postpaid and correctly addressed.

(4) This section does not prescribe the only means, or necessarily the required means, of serving a foreign limited liability company. Process against any foreign limited liability company may also be served in accordance with chapter 48 or chapter 49.

Section 140. Section 608.511, Florida Statutes, is created to read:

608.511 Withdrawal of foreign limited liability company.—

(1) A foreign limited liability company authorized to transact business in this state may not withdraw from this state until it obtains a certificate of withdrawal from the Department of State.

(2) A foreign limited liability company authorized to transact business in this state may apply for a certificate of withdrawal by delivering an application to the Department of State for filing. The application shall be made on forms prescribed and furnished by the Department of State and shall set forth:

- (a) The name of the foreign limited liability company and the jurisdiction under the law of which it is organized.
- (b) That it is not transacting business in this state and that it surrenders its authority to transact business in this state.
- (c) That it revokes the authority of its registered agent to accept service on its behalf and appoints the Department of State as its agent for service of process based on a cause of action arising during the time it was authorized to transact business in this state.
- (d) A mailing address to which the Department of State may mail a copy of any process served on it under paragraph (c).
- (e) A commitment to notify the Department of State in the future of any change in its mailing address.

(3) After the withdrawal of the limited liability company is effective, service of process on the Department of State under this section is service on the foreign limited liability company. Upon receipt of the process, the Department of State shall mail a copy of the process to the foreign limited liability company at the mailing address set forth under subsection (2).

Section 141. Section 608.512, Florida Statutes, is created to read:

608.512 Grounds for revocation of authority to transact business.— The Department of State may commence a proceeding under s. 608.513 to revoke the certificate of authority of a foreign limited liability company authorized to transact business in this state if:

- (1) The foreign limited liability company has failed to file its annual report with the Department of State within the time required by this chapter.
- (2) The foreign limited liability company does not pay, within the time required by this chapter, any fees, taxes, or penalties imposed by this chapter or other law.
- (3) The foreign limited liability company is without a registered agent or registered office in this state for 30 days or more.
- (4) The foreign limited liability company does not notify the Department of State under s. 608.508 or s. 608.509 that its registered agent has resigned or that its registered office has been discontinued within 30 days after the resignation or discontinuance.
- (5) The foreign limited liability company's period of duration has expired.

(6) A member, manager, or agent of the foreign limited liability company signed a document he knew was false in any material respect with intent that the document be delivered to the Department of State for filing.

(7) The Department of State receives a duly authenticated certificate from the Secretary of State or other official having custody of records in the jurisdiction under the law of which the foreign limited liability company is incorporated stating that it has been dissolved or disappeared as a result of a merger.



(8) The foreign limited liability company has failed to answer truthfully and fully, within the time prescribed by this chapter, interrogatories propounded by the Department of State.

Section 142. Section 608.513, Florida Statutes, is created to read:

608.513 Procedure for and effect of revocation.—

(1) If the Department of State determines that one or more grounds exist under s. 608.512 for revocation of a certificate of authority, the Department of State shall serve the foreign limited liability company with written notice of such determination under s. 608.5101.

(2) If the foreign limited liability company does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the Department of State that each ground determined by the Department of State does not exist within 60 days after issuance of notice is perfected under s. 608.5101, the Department of State shall revoke the foreign limited liability company's certificate of authority by signing a certificate of revocation that recites the ground or grounds for revocation and its effective date.

(3) The authority of a foreign limited liability company to transact business in this state ceases on the date shown on the certificate revoking its certificate of authority.

(4) Revocation of a foreign limited liability company's certificate of authority does not terminate the authority of the registered agent of the limited liability company.

Section 143. Section 608.5135, Florida Statutes, is created to read:

608.5135 Revocation; application for reinstatement.—

(1)(a) A foreign limited liability company the certificate of authority of which has been revoked pursuant to s. 608.513 may apply to the Department of State for reinstatement at any time after the effective date of revocation of authority. The application must:

1. Recite the name of the foreign limited liability company and the effective date of its revocation of authority;

2. State that the ground or grounds for revocation of authority either did not exist or have been eliminated and that no further grounds currently exist for revocation of authority;

3. State that the foreign limited liability company's name satisfies the requirements of s. 608.506; and

4. State that all taxes, fees, and penalties owed by the limited liability company and computed at the rate provided by law at the time the foreign limited liability company applies for reinstatement have been paid; or

(b) As an alternative, the foreign limited liability company may submit a current annual report, signed by the registered agent and a manager or managing member, which substantially complies with the requirements of paragraph (a).

(2) If the Department of State determines that the application contains the information required by subsection (1) and that the information is correct, it shall cancel the certificate of revocation of authority and prepare a certificate of reinstatement that recites its determination, file the original of the certificate, and serve a copy on the limited liability company.

(3) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the revocation of authority, and the foreign limited liability company resumes carrying on its business as if the revocation of authority had never occurred.

(4) The name of the foreign limited liability company the certificate of authority of which has been revoked is not available for assumption or use by another limited liability company until 1 year after the effective date of revocation of authority unless the limited liability company provides the Department of State with an affidavit executed as required by s. 608.408 permitting the immediate assumption or use of its name by another limited liability company.

(5) If the name of the foreign limited liability company has been lawfully assumed in this state by another limited liability company, the Department of State shall require the foreign limited liability company to comply with s. 608.506 before accepting its application for reinstatement.

Section 144. Section 608.514, Florida Statutes, is created to read:

608.514 Appeal from revocation.—

(1) If the Department of State revokes the authority of any foreign limited liability company to transact business in this state pursuant to the provisions of this chapter, such foreign limited liability company may likewise appeal to the circuit court of the county where the registered office of such limited liability company in this state is situated by filing with the clerk of such court a petition setting forth a copy of its application for authority to transact business in this state and a copy of the certificate of revocation given by the Department of State, whereupon the matter shall be tried de novo by the court, and the court shall either sustain the action of the Department of State or direct the department to take such action as the court deems proper.

(2) Appeals from all final orders and judgments entered by the circuit court under this section in review of any ruling or decision of the Department of State may be taken as in other civil actions.

Section 145. Section 608.453, Florida Statutes, as amended by chapter 90-132, Laws of Florida, section 608.451, Florida Statutes, as amended by chapter 90-179, Laws of Florida, and sections 608.435, 608.442, and 608.443, Florida Statutes, are repealed.

(Renumber subsequent section.)

Senator Langley moved the following amendment to **Amendment 9** which was adopted:

**Amendment 9A**—On page 68, strike all of lines 13-15 and insert:

(3) *A distribution shall be deemed a "dividend" under s. 316 of the Internal Revenue Code as such code is defined in s. 220.03.*

**Amendment 9** as amended was adopted.

Senator Langley moved the following amendment:

**Amendment 10**—In title, on page 6, line 10, after the semicolon (;) insert: revising ch. 608, F.S.; amending s. 608.401, F.S.; providing a short title; amending s. 608.402, F.S.; providing definitions; amending s. 608.404, F.S.; specifying the powers of limited liability companies; amending s. 608.405, F.S.; providing for formation of limited liability companies; amending s. 608.406, F.S.; providing requirements for names of limited liability companies; creating s. 608.4061, F.S.; providing for reservation of the name of a foreign limited liability company; creating s. 608.4062, F.S.; providing for registration of the name of a foreign limited liability company; amending s. 608.407, F.S.; specifying content of articles of organization; amending s. 608.408, F.S.; providing for execution of certificates or statements; creating s. 608.4081, F.S.; providing filing requirements; creating s. 608.4082, F.S.; providing duties of the Department of State; amending s. 608.409, F.S.; specifying effect of issuance of certificate of organization; creating s. 608.4101, F.S.; requiring maintenance of certain records; amending s. 608.411, F.S.; providing for amendment to articles of organization; creating s. 608.412, F.S.; requiring filing of supplemental affidavit of capital contributions in specified circumstances; amending s. 608.415, F.S.; requiring limited liability companies to maintain registered office and registered agent; amending s. 608.416, F.S.; providing for change of registered office and change or resignation of registered agent; amending s. 608.4211, F.S.; specifying allowable contributions to capital and liability therefor; amending s. 608.422, F.S.; providing for management; creating s. 608.4225, F.S.; providing general standards for managers or managing members; amending s. 608.423, F.S.; providing for adoption of regulations; creating s. 608.4231, F.S.; providing for voting by members and managers; creating s. 608.4232, F.S.; providing for additional members; amending s. 608.424, F.S.; limiting ability to contract debt; amending s. 608.425, F.S.; providing for ownership of company property; amending s. 608.426, F.S.; providing circumstances for distribution of property; creating s. 608.4261, F.S.; providing for sharing of profits and losses; amending s. 608.427, F.S.; providing for withdrawal or reduction of members' contributions to capital; creating s. 608.428, F.S.; specifying liability upon return of contribution; amending s. 608.432, F.S.; providing for transfer of members' interests; creating s. 608.433, F.S.; providing circumstances under which an assignee may become a member; creating s. 608.434, F.S.; specifying powers of the estate of a deceased or incompetent member; amending s. 608.436, F.S.; specifying liability of members and managers to creditors; creating s. 608.4362, F.S.; specifying liability of managers and managing members; creating s. 608.4363, F.S.; providing for indemnification; amending s. 608.441, F.S.; providing for dissolution; creating s. 608.4411, F.S.; providing for revocation of dissolu-

tion; creating s. 608.4421, F.S.; providing for disposition of claims against dissolved company; creating s. 608.4431, F.S.; specifying effect of dissolution; amending s. 608.444, F.S.; providing for distribution of assets upon dissolution; amending s. 608.445, F.S.; specifying content of articles of dissolution; amending s. 608.446, F.S.; providing for filing of articles of dissolution; amending s. 608.448, F.S.; specifying grounds for administrative dissolution; creating s. 608.4481, F.S.; providing procedures for and effects of administrative dissolution; creating s. 608.4482, F.S.; providing for reinstatement; creating s. 608.4483, F.S.; providing for appeal from denial of reinstatement; amending s. 608.449, F.S.; providing grounds for judicial dissolution; creating s. 608.4491, F.S.; providing procedure for judicial dissolution; creating s. 608.4492, F.S.; providing for receivership or custodianship; creating s. 608.4493, F.S.; providing for decree of dissolution; creating s. 608.4494, F.S.; requiring deposit of assets of dissolved company with the Department of Banking and Finance; creating s. 608.4511, F.S.; requiring filing of annual reports with the Department of State; amending s. 608.452, F.S.; specifying fees of the Department of State; amending s. 608.455, F.S.; providing for waiver of certain required notices; amending s. 608.471, F.S.; providing for treatment of distributions; creating s. 608.501, F.S.; requiring a foreign limited liability company to obtain a certificate of authority prior to transacting business; creating s. 608.502, F.S.; specifying consequences of transacting business without authority; creating s. 608.503, F.S.; providing for application for certificate of authority; creating s. 608.504, F.S.; providing for amendment of certificate of authority; creating s. 608.505, F.S.; specifying effect of certificate of authority; creating s. 608.506, F.S.; providing requirements for name of foreign limited liability company; creating s. 608.507, F.S.; requiring registered office and registered agent; creating s. 608.508, F.S.; providing for change of registered office and registered agent; creating s. 608.509, F.S.; providing for resignation of registered agent; creating s. 608.5101, F.S.; providing for service of process; creating s. 608.511, F.S.; providing for withdrawal of foreign limited liability company; creating s. 608.512, F.S.; specifying grounds for revocation of authority to transact business; creating s. 608.513, F.S.; specifying procedure for and effect of revocation of authority; creating s. 608.5135, F.S.; providing for revocation and reinstatement of certificates of authority; creating s. 608.514, F.S.; providing for appeal from revocation; repealing ss. 608.435, 608.442, 608.443, 608.453, F.S., relating to liabilities of members, filing of statement of intent to dissolve, effect of statement of intent to dissolve, and miscellaneous charges;

Senator Langley moved the following amendment to **Amendment 10** which was adopted:

**Amendment 10A**—In title, on page 4, line 13, insert: providing for treatment of distributions;

**Amendment 10** as amended was adopted.

#### SB 2146

Senator Dantzler moved the following amendment which was adopted:

**Amendment 1**—On page 4, line 12, insert:

Section 14. Notwithstanding the provisions of the Regulatory Sunset Act or any other provision of law which provides for review and repeal in accordance with section 11.61, Florida Statutes, section 766.105, Florida Statutes, shall not stand repealed on October 1, 1992, but is repealed on October 1, 1995, and shall be reviewed by the Legislature pursuant to section 11.61, Florida Statutes.

(Renumber subsequent sections.)

#### AMENDMENTS TO HOUSE BILLS

##### CS for HB's 343, 759, 1139 and 2073

Senator Langley moved the following amendments which were adopted:

**Amendment 1**—On page 24, lines 3-31, and on page 25, lines 1-7, strike all of said lines and insert:

(b) For the second conviction within a period of 3 years from the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 10 days.

(c) For the third conviction within a period of 5 years from the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 30 days.

**Amendment 2**—In title, on page 1, strike all of lines 29-31 and insert: amending s. 327.352, F.S.,

**Amendment 3**—On page 7, lines 29 and 30, and on page 8, lines 1-11, strike all of said lines and insert:

(b) For the second conviction within a period of 3 years from the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 10 days.

**Amendment 4**—On page 20, lines 29 and 30, and on page 21, lines 1-30, strike all of said lines and renumber subsequent sections.

**Amendment 5**—In title, on page 1, strike all of lines 21-24 and insert: amending s. 327.35, F.S.;

#### CS for CS for HB 365

Senator Dantzler moved the following amendments which were adopted:

**Amendment 6**—On page 18, strike all of lines 29 and 30 and insert: 370.0605 Saltwater fishing license required; fees.—

(1)(a) No person, except as provided in this section, may take, attempt to take, or possess any marine fish for noncommercial purposes *unless he has obtained a license from the department pursuant to paragraph (2)(a)*, nor may any person operate any vessel wherein a fee is paid either directly or indirectly for the purpose of taking, attempting to take, or possessing any marine fish for noncommercial purposes, unless he has obtained a license from the department for each vessel for that purpose and has paid the license fee pursuant to *subparagraphs (2)(b)1. and 2.* ~~subsection (2)~~ for such vessel. One-year licenses shall be dated when issued and shall be valid until 12 months after the date of issuance. Each license identification card shall include the person's name, address, personal description and residency status, and other information as required by the department, and, if the license is issued to the owner, operator, or custodian of a vessel, the vessel registration number or federal documentation number shall be included. Such license is not transferable, shall bear on its face in indelible ink the name of the person to whom it is issued, and shall be affixed to a license identification card approved by the department, upon which the tax collector may affix his seal. Such license is not valid unless it bears the name of the person to whom it is issued.

**Amendment 7**—On page 19, lines 11-29, and on page 20, lines 1-9, strike all of said lines and insert:

(2) Saltwater fishing license fees are as follows:

(a)1. For a resident of the state, \$10 for a 10-day license and \$12 for a 1-year license.

2. For a resident of the state, \$60 for 5 consecutive years from the date of purchase.

3.2. For a nonresident of the state, \$5 for a 3-day license, \$15 for a 7-day license, and \$30 for a 1-year license.

4.3. For purposes of this section, "resident" has the same meaning as that found in s. 372.001.

(b)1. For any person who operates any vessel licensed to carry more than 10 customers wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish, \$800 per year. The license must be kept aboard the vessel at all times.

2. For any person who operates any vessel licensed to carry no more than 10 customers, or for any person licensed to operate any vessel carrying six or fewer customers, wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish, \$400 per year; provided any person licensed to operate any vessel carrying six or fewer customers but who operates a vessel carrying four or fewer customers, wherein a fee is paid, either directly or indirectly, for such purposes, \$200 per year. The license must be kept aboard the vessel at all times.

3. A person who operates a vessel required to be licensed pursuant to subparagraph 1. or subparagraph 2. may obtain a license in his own name, and such license shall be transferable and apply to any vessel operated by the purchaser, provided that the purchaser has paid the appropriate license fee.

4. For any pier fixed to the land wherein a fee is paid directly to the owner, operator, or custodian of the pier for the purpose of taking or attempting to take marine fish therefrom, \$500 per year. Owners, operators, or custodians who elect to purchase such license must have the license available for inspection at all times.

5. ~~For a person who operates~~ a recreational vessel not for hire and for which ~~to whom~~ no fee is paid either directly or indirectly by guests, for the purpose of taking or attempting to take marine fish noncommercially, \$2,000 ~~\$3,000~~ per year. The license *may be purchased at the option of the vessel owner* and must be kept aboard the vessel at all times. ~~Such operator shall maintain~~ A log of species taken and the date the species were taken ~~shall be maintained and file a copy of the log filed with the~~ Department of Natural Resources at the time of renewal of the license.

The Department of Natural Resources and the Game and Fresh Water Fish Commission are directed to develop a plan setting forth goals and procedures to be used for the management of funds received pursuant to a 5-year and lifetime license for recreational saltwater fishing and fresh water fishing and hunting. The plan shall be submitted to the Speaker of the House of Representatives, the President of the Senate, and the minority leaders of the House and Senate on or before January 1, 1991.

License fees paid pursuant to this subsection are nonrefundable and may not be used as credit toward any other license fee required by this chapter. No other license fee paid pursuant to this chapter shall be used as credit towards the license fees required by this subsection. The owner, operator, or custodian of a vessel the operator of which has been licensed pursuant to subsection (1) must maintain and report such statistical data as required by, and in a manner set forth in, the rules of the department.

**Amendment 8**—On page 20, between lines 9 and 10, insert:

(3)

(i) *Any person fishing from a vessel which is licensed pursuant to subparagraph (2)(b)5.*

**Amendment 9**—On page 22, lines 22 and 26, strike "\$100" and insert: \$50

**Amendment 10**—On page 23, line 12, strike "10" and insert: 30

**Amendment 11**—In title, on page 1, line 30, after "F.S.," insert: revising an existing license fee;

Senator Bruner moved the following amendment:

**Amendment 12**—On page 2, line 24, insert new section 2:

Section 2. Persons over the age of 65 shall be exempt from the requirements for purchase of a restricted species stamp.

(Renumber subsequent sections.)

**Amendment 12** was withdrawn.

Senator Bruner moved the following amendments which were adopted:

**Amendment 13**—On page 27, between lines 12 and 13, insert:

Section 16. Paragraph (a) of subsection (2) of section 370.06, Florida Statutes, 1990 Supplement, is amended to read:

370.06 Licenses.—

(2) SALTWATER PRODUCTS LICENSE.—

(a) Every person, firm, or corporation which sells, offers for sale, barter, or exchanges for merchandise any saltwater products, or which harvests saltwater products with certain gear or equipment as specified by law, must have a valid saltwater products license. Each saltwater products license allows the holder to engage in any of the activities for which the license is required. The license must be in the possession of the licenseholder or aboard the vessel and shall be subject to inspection at any time that harvesting activities for which a license is required are being conducted. A restricted species endorsement on the saltwater products license is required to sell to a licensed wholesale dealer those species which the state, by law or rule, has designated as "restricted species." This endorsement may be issued only to a person or firm certifying that over 25 percent of its income or \$5,000 of its income, whichever is less, is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state. This endorsement may also be issued to a for-profit corporation if it certifies

that at least \$5,000 of its income is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state. However, if at least 50 percent of the annual income of a person, firm, or for-profit corporation is derived from charter fishing, the person, firm, or for-profit corporation must certify that at least \$2,500 of the income of the person, firm, or corporation is attributable to the sale of saltwater products pursuant to a license issued under this paragraph or a similar license from another state, in order to be issued the endorsement. Such income attribution must apply to at least 1 year out of the last 3 years. For the purpose of this section "income" means that income which is attributable to work, employment, entrepreneurship, pensions, retirement benefits, and Social Security benefits.

1. The department is authorized to require verification of such income. Acceptable proof of income earned from the sale of saltwater products shall be:

a. Copies of trip ticket records generated pursuant to this subsection (marine fisheries information system), documenting qualifying sale of saltwater products;

b. Copies of sales records from locales other than Florida documenting qualifying sale of saltwater products;

c. A copy of the applicable federal income tax return, including Form 1099 attachments, verifying income earned from the sale of saltwater products;

d. Crew share statements verifying income earned from the sale of saltwater products; or

e. A certified public accountant's notarized statement attesting to qualifying source and amount of income.

Any provision of this section or any other section of the Florida Statutes to the contrary notwithstanding, any person who owns a retail seafood market and/or restaurant at a fixed location for at least 3 years who has had an occupational license for 3 years prior to January 1, 1990, who harvests saltwater products to supply his retail store and has had a saltwater products license for 2 of the past 3 years prior to January 1, 1990, may provide proof of his verification of income and sales value at his retail seafood market and/or restaurant and in his saltwater products enterprise by affidavit and shall thereupon be issued a restricted species endorsement.

2. Exceptions from income requirements shall be as follows:

a. A permanent restricted species endorsement shall be available to those persons age 62 and older who have qualified for such endorsement for at least 3 out of the last 5 years.

b. Active military duty time shall be excluded from consideration of time necessary to qualify and shall not be counted against the applicant for purposes of qualifying.

c. Upon the sale of a used commercial fishing vessel owned by a person, firm, or corporation possessing or eligible for a restricted species endorsement, the purchaser of such vessel shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after purchase of the vessel.

d. Upon the death or permanent disablement of a person possessing a restricted species endorsement, an immediate family member wishing to carry on the fishing operation shall be exempted from the qualifying income requirement for the purpose of obtaining a restricted species endorsement for a period of 1 year after the death or disablement.

e. *A restricted species endorsement may be issued on an individual saltwater products license to a person age 62 or older who documents that at least \$2,500 is attributable to the sale of saltwater products pursuant to the provisions of this paragraph.*

f. *A permanent restricted species endorsement may also be issued on an individual saltwater products license to a person age 70 or older who has held a saltwater products license for at least 3 of the last 5 license years.*

At least one saltwater products license bearing a restricted species endorsement shall be aboard any vessel harvesting restricted species in excess of any bag limit or when fishing under a commercial quota or in commercial quantities, and such vessel shall have a commercial vessel registration. This subsection does not apply to any person, firm, or corpo-

ration licensed under s. 370.07(1)(a)1. or s. 370.07(1)(b) for activities pursuant to such licenses. A saltwater products license may be issued in the name of an individual or a valid boat registration number. Such license is not transferable. A decal shall be issued with each saltwater products license issued to a valid boat registration number. The saltwater products license decal shall be the same color as the vessel registration decal issued each year pursuant to s. 327.11(7) and shall indicate the period of time such license is valid. The saltwater products license decal shall be placed beside the vessel registration decal and, in the case of an undocumented vessel, shall be placed so that the vessel registration decal lies between the vessel registration number and the saltwater products license decal. Any saltwater products license decal for a previous year shall be removed from a vessel operating on the waters of the state. A resident shall pay an annual license fee of \$50 for a saltwater products license issued in the name of an individual or \$100 for a saltwater products license issued to a valid boat registration number. A nonresident shall pay an annual license fee of \$200 for a saltwater products license issued in the name of an individual or \$400 for a saltwater products license issued to a valid boat registration number. An alien shall pay an annual license fee of \$300 for a saltwater products license issued in the name of an individual or \$600 for a saltwater products license issued to a valid boat registration number. Any person who sells saltwater products pursuant to this license may sell only to a licensed wholesale dealer. A saltwater products license must be presented to the licensed wholesale dealer each time saltwater products are sold. The wholesale dealer shall keep records of each transaction in such detail as may be required by rule of the Department of Natural Resources not in conflict with s. 370.07(6). It is unlawful for any licensed wholesale dealer to buy saltwater products from any unlicensed person under the provisions of this section, except that a licensed wholesale dealer may buy from another licensed wholesale dealer. It is unlawful for any licensed wholesale dealer to buy saltwater products designated as "restricted species" from any person, firm, or corporation not possessing a restricted species endorsement on his saltwater products license under the provisions of this section, except that a licensed wholesale dealer may buy from another licensed wholesale dealer. The Department of Natural Resources shall be the licensing agency, may contract with private persons or entities to implement aspects of the licensing program, and shall establish by rule a marine fisheries information system in conjunction with the licensing program to gather fisheries data.

**Amendment 14**—In title, on page 2, line 12, after the semicolon (;) insert: amending s. 370.06, F.S.; providing additional exemptions from income requirements for a restricted species endorsement;

**Amendment 15**—On page 27, between lines 12 and 13, insert:

Section 17. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(Renumber subsequent section.)

**Amendment 16**—In title, on page 2, line 12, after the semicolon (;) insert: providing for severability;

#### CS for HB 427

Senator Malchon moved the following amendments which were adopted:

**Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. Section 386.202, Florida Statutes, is amended to read:

386.202 Legislative intent.—The purpose of this act is to protect the public health, comfort, and environment by creating areas in public places and at public meetings that are reasonably free from tobacco smoke by providing a uniform statewide maximum code. This act shall not be interpreted to require the designation of smoking areas. *However, it is the intent of the Legislature to discourage the designation of any area within a governmental building as a smoking area. It is further the intent of the Legislature that the person in charge of any place or facility to which this act does not apply is not prohibited by virtue thereof from adopting nonsmoking policies applicable to the place or facility.*

Section 2. Paragraphs (t) and (u) are added to subsection (1) of section 386.203, Florida Statutes, and paragraphs (n), (p), (r), and (s) of subsection (1) and subsection (6) of that section are amended to read:

386.203 Definitions.—As used in this act:

(1) "Public place" means the following enclosed, indoor areas used by the general public:

(n) Arenas, *except sports arenas as defined in s. 159.02;*

(p) Restaurants which seat more than 50 persons, ~~except restaurants which designate smoking areas according to customer demand as determined by the management;~~

(r) Grocery stores; and

(s) Places of employment;

(t) Health care facilities; and

(u) Day care centers.

(6) "Common area" means any hallway, corridor, lobby, aisle, water fountain area, restroom, stairwell, entryway, or conference room in any public place. ~~"Common facilities" means restrooms and water fountain areas.~~

Section 3. Section 386.204, Florida Statutes, is amended to read:

386.204 Prohibition.—A No person may *not* smoke in a public place or at a public meeting except in designated smoking areas. These prohibitions do not apply in cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the room or hall.

Section 4. Subsections (2), (4), and (5) of section 386.205, Florida Statutes, are amended to read:

386.205 Designation of smoking areas.—

(2)(a) A smoking area may not be designated in an elevator, school bus, public means of mass transportation subject only to state smoking regulation, restroom, hospital ~~emergency room~~, doctor's or dentist's waiting room, jury deliberation room, ~~or~~ county public health unit, *day care center, or school or other educational facility, or in any common area as defined in s. 386.203. However,*

~~(b) a patient's room in a hospital, nursing home, or other health care facility may not be designated as a smoking area if the designation is ordered by the attending physician and agreed to by unless all patients assigned to that room agree that the room may be so designated.~~

~~(b)(e) Notwithstanding anything in this act to the contrary, no more than one-half of the rooms in any health care facility may be designated as smoking areas.~~

(4) No more than one-half of the total square footage in any public place within a single enclosed indoor area used for a common purpose shall be reserved and designated as a smoking area. *This square footage limitation does not apply to a restaurant that seats more than 50 persons. A restaurant of that size must ensure that no more than 65 percent of the seats existing in its dining room at any time are located in an area designated as a smoking area, except that this provision shall not apply to employers who otherwise comply with this section. This square footage provision shall not apply to restaurants which designate smoking areas in accordance with customer demand as determined by the management. However, any restaurants which shall elect not to have designated nonsmoking areas shall conspicuously post notice to that effect at each entrance to said restaurant.*

(5) A smoking area may not contain common areas facilities which are expected to be used by the public.

Section 5. Section 386.206, Florida Statutes, is amended to read:

386.206 Posting of signs.—The person in charge of a public place shall conspicuously post, or cause to be posted, in any area designated as a smoking area signs stating that smoking is permitted in the such area. Each sign posted pursuant to this section shall have letters of reasonable size that which can be easily read. The color, design, and precise place of posting of the such signs shall be left to the discretion of the person in charge of the premises. In order to increase public awareness, the person in charge of a public place may, at his discretion, also post "NO SMOKING" or "NO SMOKING EXCEPT IN DESIGNATED AREAS" signs as appropriate.

Section 6. Subsections (1) and (2) of section 386.207, Florida Statutes, are amended to read:

386.207 Administration; enforcement; civil penalties; exemptions.—

(1) The department or the division shall enforce ss. 386.204(2), 386.205, and 386.206 and to implement such enforcement shall adopt, in consultation with the State Fire Marshal, rules specifying procedures to be followed by enforcement personnel in investigating complaints and notifying alleged violators, rules defining types of cases for which exemptions may be granted, and rules specifying procedures by which appeals may be taken by aggrieved parties.

(2) Public agencies responsible for the management and maintenance of government buildings shall report observed violations to the department or division. The State Fire Marshal shall report to the department or division observed violations of ss. 386.204(2), 386.205, and 386.206 found during its periodic inspections conducted pursuant to its regulatory authority. The department or the division, upon notification of observed violations of ss. 386.204(2), 386.205, and 386.206, shall issue to the proprietor or other person in charge of such public place a notice to comply with ss. 386.204(2), 386.205, and 386.206. If such person fails to comply within 30 days after receipt of such notice, the department or the division shall assess a civil penalty against him not to exceed \$100 for the first violation and not to exceed \$500 for each subsequent violation. The imposition of such fine shall be in accordance with the provisions of chapter 120. If a person refuses to comply with ss. 386.204(2), 386.205, and 386.206, after having been assessed such penalty, the department or the division may file a complaint in the circuit court of the county in which such public place is located to require compliance.

Section 7. Section 386.208, Florida Statutes, is amended to read:

386.208 Penalties.—Any person who violates s. 386.204 commits a ~~guilty~~ noncriminal violation as provided for in s. 775.08(3), punishable by a fine of not more than \$100 for the first violation and not more than \$500 for each subsequent violation. *Jurisdiction shall be with the appropriate county court.*

Section 8. Section 386.211, Florida Statutes, is created to read:

386.211 Interference with persons who report violations.—It is unlawful to coerce, intimidate, threaten, or interfere with any person who files a complaint with the Department of Business Regulation or the Department of Health and Rehabilitative Services regarding enforcement of s. 386.205 or s. 386.206. This section may be enforced by appropriate civil action.

Section 9. Section 386.212, Florida Statutes, is created to read:

386.212 Public announcements in mass transportation terminals.—Announcements about the Florida Clean Indoor Air Act shall be made regularly over public address systems in terminals of public transportation carriers located in metropolitan statistical areas with populations over 230,000 according to the latest census. These announcements shall be made at least every 30 minutes and shall be made in appropriate languages. Each announcement shall include a statement to the effect that Florida is a clean indoor air state and that smoking is allowed only in designated areas.

Section 10. Section 386.213, Florida Statutes, is created to read:

386.213 Detention facilities or correctional institutions.—This act does not apply to any state, county, or municipal detention facility or correctional institution. However, the superintendent, sheriff, or chief correctional officer in charge of the facility, as the case may be, may establish nonsmoking policies for the facility or institution.

Section 11. This act shall take effect October 1, 1991.

**Amendment 2**—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to clean indoor air; amending s. 386.202, F.S.; providing additional legislative intent; amending s. 386.203, F.S.; modifying definitions; amending s. 386.204, F.S.; clarifying an exception to prohibition against smoking in a public place; amending s. 386.205, F.S.; providing additional places that may not be designated as smoking areas; modifying requirements for designating a patient's room as a smoking area; eliminating some exceptions to the square footage limitation for smoking areas in certain public places; prohibiting smoking areas from containing common areas used by the public; amending s. 386.206, F.S.; modifying authorization for certain discretionary signs; amending s. 386.208, F.S.; providing jurisdiction of county courts for purposes of the act; creating s. 386.211, F.S.; making it unlawful to interfere with a person who reports certain violations; providing for enforcement; creating s. 386.212, F.S.; requiring public announcements in certain public transportation terminals that smoking is allowed only in designated areas; creating s. 386.213, F.S.; specifying that the act does not apply to certain facilities; providing an effective date.

#### CS for HB 671

Senator Kirkpatrick moved the following amendments which were adopted:

**Amendment 1**—On page 1, strike all of lines 14-26 and insert:

Section 1. Subsection (1) of section 250.31, Florida Statutes, is amended to read:

250.31 Liability of members of the Organized Militia; defense of actions or proceedings.—

(1) Members of the Organized Militia ordered into the active service of the state or ordered into federal training or duty shall not be liable, civilly or criminally, for any lawful act or acts done by them in the performance of their duty, while acting in good faith and while acting in the scope of either state or federal duty. *For purposes of this section, Florida National Guard personnel serving in any drug interdiction program under the authority of the Governor shall be considered to be in the active service of the state.*

**Amendment 2**—On page 2, line 5, strike "1613(a)(3)(f)" and insert: 1613b(a)(3)(f)

#### CS for HB 2089

Senator Myers moved the following amendment which was adopted:

**Amendment 1**—On page 20, strike all of lines 17-31 and insert:

(6) In order to obtain or renew a license, a company shall have and maintain minimum net assets of \$300,000. ~~In computing the net asset requirement, receivables from~~

**Amendment 1** was reconsidered and withdrawn.

#### ROLL CALLS ON SENATE BILLS

##### SB 234

Yeas—36

Bankhead	Dudley	Kirkpatrick	Scott
Beard	Forman	Kiser	Souto
Bruner	Gardner	Kurth	Thomas
Childers	Girardeau	Langley	Thurman
Crenshaw	Grant	Malchon	Walker
Crotty	Grizzle	McKay	Weinstein
Dantzler	Jenne	Meek	Weinstock
Davis	Jennings	Myers	Wexler
Diaz-Balart	Johnson	Plummer	Yancey

Nays—None

##### CS for SB 558

Yeas—33

Madam President	Diaz-Balart	Johnson	Thomas
Bankhead	Forman	Kiser	Thurman
Beard	Gardner	Kurth	Walker
Brown	Girardeau	Langley	Weinstein
Bruner	Gordon	Malchon	Weinstock
Casas	Grant	McKay	Wexler
Childers	Grizzle	Meek	
Dantzler	Jenne	Myers	
Davis	Jennings	Souto	

Nays—None

Vote after roll call:

Yea—Crotty, Kirkpatrick

##### SB 586

**Reconsider Senate Amendment 3 to House Amendment 1**

Yeas—33

Bankhead	Casas	Dantzler	Gardner
Beard	Childers	Diaz-Balart	Girardeau
Brown	Crenshaw	Dudley	Gordon
Bruner	Crotty	Forman	Grant



Grizzle	Langley	Scott
Jenne	McKay	Thomas
Jennings	Meek	Thurman
Johnson	Myers	Walker
Kiser	Plummer	Weinstein

Nays—3

Kurth	Malchon	Souto
-------	---------	-------

**SB 586**

Yeas—33

Madam President	Dantzler	Jenne	Souto
Bankhead	Diaz-Balart	Jennings	Thurman
Beard	Dudley	Johnson	Walker
Brown	Forman	Kiser	Weinstein
Bruner	Gardner	Kurth	Weinstock
Casas	Girardeau	Langley	Wexler
Childers	Gordon	Malchon	
Crenshaw	Grant	McKay	
Crotty	Grizzle	Meek	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**CS for SB 724**

Yeas—35

Madam President	Dudley	Kirkpatrick	Scott
Bankhead	Forman	Kiser	Souto
Beard	Gardner	Kurth	Thomas
Brown	Girardeau	Langley	Thurman
Bruner	Gordon	Malchon	Walker
Childers	Grizzle	McKay	Weinstein
Crotty	Jenne	Meek	Weinstock
Dantzler	Jennings	Myers	Wexler
Diaz-Balart	Johnson	Plummer	

Nays—None

**CS for SB 724—After Reconsideration**

Yeas—33

Madam President	Diaz-Balart	Kirkpatrick	Thomas
Bankhead	Forman	Kiser	Thurman
Brown	Gardner	Kurth	Walker
Bruner	Girardeau	Langley	Weinstein
Casas	Grant	Malchon	Weinstock
Childers	Grizzle	McKay	Wexler
Crenshaw	Jenne	Myers	
Dantzler	Jennings	Plummer	
Davis	Johnson	Souto	

Nays—None

Vote after roll call:

Yea—Meek

**SB 960**

Yeas—36

Madam President	Dantzler	Grizzle	Plummer
Bankhead	Davis	Jennings	Scott
Beard	Diaz-Balart	Johnson	Souto
Brown	Dudley	Kiser	Thomas
Bruner	Forman	Kurth	Thurman
Casas	Gardner	Malchon	Walker
Childers	Girardeau	McKay	Weinstein
Crenshaw	Gordon	Meek	Weinstock
Crotty	Grant	Myers	Yancey

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**SB 1482****Motion to Reconsider Vote by which Amendment 1 Failed**

Yeas—22

Bankhead	Dantzler	Johnson	Thomas
Beard	Dudley	Kiser	Thurman
Bruner	Gardner	Langley	Walker
Childers	Grant	Malchon	Yancey
Crenshaw	Grizzle	McKay	
Crotty	Jennings	Myers	

Nays—15

Madam President	Diaz-Balart	Jenne	Weinstein
Brown	Forman	Meek	Weinstock
Casas	Girardeau	Plummer	Wexler
Davis	Gordon	Souto	

Vote after roll call:

Yea to Nay—Malchon

**SB 1482**

Yeas—33

Madam President	Diaz-Balart	Jennings	Thurman
Bankhead	Dudley	Kiser	Walker
Beard	Forman	McKay	Weinstein
Brown	Gardner	Meek	Weinstock
Casas	Girardeau	Myers	Wexler
Crenshaw	Gordon	Plummer	Yancey
Crotty	Grant	Scott	
Dantzler	Grizzle	Souto	
Davis	Jenne	Thomas	

Nays—3

Bruner	Johnson	Langley
--------	---------	---------

Vote after roll call:

Yea to Nay—Bankhead, Crotty

**SB 1646**

Yeas—37

Madam President	Davis	Johnson	Souto
Bankhead	Diaz-Balart	Kirkpatrick	Thomas
Beard	Dudley	Kiser	Thurman
Brown	Forman	Kurth	Walker
Bruner	Gardner	Langley	Weinstein
Casas	Gordon	Malchon	Wexler
Childers	Grant	McKay	Yancey
Crenshaw	Grizzle	Meek	
Crotty	Jenne	Myers	
Dantzler	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Scott

**SB 1676**

Yeas—34

Bankhead	Diaz-Balart	Jennings	Souto
Beard	Dudley	Johnson	Thomas
Brown	Forman	Kiser	Thurman
Bruner	Gardner	Kurth	Walker
Casas	Girardeau	Langley	Weinstein
Crenshaw	Gordon	Malchon	Wexler
Crotty	Grant	McKay	Yancey
Dantzler	Grizzle	Meek	
Davis	Jenne	Myers	

Nays—None

Vote after roll call:

Yea—Childers, Kirkpatrick, Plummer

## CS for SB 1732

Yeas—34

Madam President	Davis	Jennings	Souto
Bankhead	Diaz-Balart	Johnson	Thomas
Beard	Dudley	Kiser	Thurman
Brown	Forman	Kurth	Walker
Bruner	Gardner	Langley	Weinstein
Casas	Girardeau	Malchon	Wexler
Crenshaw	Gordon	Meek	Yancey
Crotty	Grizzle	Myers	
Dantzler	Jenne	Scott	

Nays—None

Vote after roll call:

Yea—Childers, Kirkpatrick

## CS for SB 2004

Yeas—32

Madam President	Davis	Johnson	Plummer
Bankhead	Forman	Kiser	Thomas
Beard	Gardner	Kurth	Thurman
Brown	Gordon	Langley	Walker
Bruner	Grant	Malchon	Weinstein
Casas	Grizzle	McKay	Weinstock
Crenshaw	Jenne	Meek	Wexler
Dantzler	Jennings	Myers	Yancey

Nays—None

Vote after roll call:

Yea—Childers, Kirkpatrick, Souto

## SB 2146

Yeas—34

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kiser	Thomas
Brown	Forman	Kurth	Thurman
Bruner	Gardner	Langley	Walker
Casas	Girardeau	Malchon	Weinstein
Crenshaw	Gordon	McKay	Yancey
Crotty	Grant	Meek	
Dantzler	Grizzle	Myers	

Nays—None

Vote after roll call:

Yea—Childers, Kirkpatrick

## ROLL CALLS ON HOUSE BILLS

## CS for HB 193

Yeas—32

Bankhead	Davis	Jennings	Plummer
Beard	Diaz-Balart	Johnson	Souto
Brown	Forman	Kirkpatrick	Thomas
Bruner	Gardner	Kiser	Thurman
Casas	Girardeau	Kurth	Walker
Childers	Grant	Malchon	Weinstein
Crenshaw	Grizzle	McKay	Weinstock
Dantzler	Jenne	Meek	Wexler

Nays—None

## HB 243

Yeas—37

Madam President	Casas	Dantzler	Forman
Beard	Childers	Davis	Gardner
Brown	Crenshaw	Diaz-Balart	Girardeau
Bruner	Crotty	Dudley	Gordon

Grant	Kiser	Myers	Walker
Grizzle	Kurth	Plummer	Weinstock
Jenne	Langley	Scott	Wexler
Jennings	Malchon	Souto	
Johnson	McKay	Thomas	
Kirkpatrick	Meek	Thurman	

Nays—None

## CS for HB's 343, 759, 1139 and 2073—Amendment 1

Yeas—20

Madam President	Diaz-Balart	Kiser	Thurman
Beard	Girardeau	McKay	Walker
Bruner	Grizzle	Scott	Weinstein
Casas	Jenne	Souto	Wexler
Crotty	Jennings	Thomas	Yancey

Nays—12

Dantzler	Forman	Kurth	Meek
Davis	Gordon	Langley	Myers
Dudley	Grant	Malchon	Weinstock

## CS for HB's 343, 759, 1139 and 2073

Yeas—36

Bankhead	Dudley	Johnson	Scott
Beard	Forman	Kirkpatrick	Souto
Bruner	Gardner	Kiser	Thomas
Casas	Girardeau	Kurth	Thurman
Childers	Gordon	Langley	Walker
Crotty	Grant	Malchon	Weinstein
Dantzler	Grizzle	McKay	Weinstock
Davis	Jenne	Meek	Wexler
Diaz-Balart	Jennings	Myers	Yancey

Nays—None

## HB 365

Yeas—31

Bankhead	Davis	Jennings	Myers
Beard	Diaz-Balart	Johnson	Plummer
Brown	Dudley	Kirkpatrick	Souto
Bruner	Forman	Kiser	Thurman
Casas	Gardner	Kurth	Walker
Childers	Grant	Langley	Weinstein
Crenshaw	Grizzle	Malchon	Wexler
Dantzler	Jenne	McKay	

Nays—None

## CS for HB 375

Yeas—35

Madam President	Davis	Jenne	Myers
Bankhead	Diaz-Balart	Jennings	Plummer
Brown	Dudley	Johnson	Souto
Bruner	Forman	Kiser	Thomas
Casas	Gardner	Kurth	Thurman
Childers	Girardeau	Langley	Walker
Crenshaw	Gordon	Malchon	Weinstock
Crotty	Grant	McKay	Wexler
Dantzler	Grizzle	Meek	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

## CS for HB 427

Yeas—31

Madam President	Casas	Crotty	Dudley
Bankhead	Childers	Davis	Forman
Brown	Crenshaw	Diaz-Balart	Girardeau

Grant	Kurth	Myers
Jenne	Langley	Plummer
Jennings	Malchon	Souto
Johnson	McKay	Thomas
Kiser	Meek	Thurman

Nays—3

Bruner	Dantzler	Grizzle
--------	----------	---------

Vote after roll call:

Yea—Gardner, Scott

**CS for HB 613**

Yeas—39

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Scott
Beard	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	

Nays—None

**CS for HB 671**

Yeas—35

Madam President	Dantzler	Grizzle	Scott
Bankhead	Davis	Jennings	Souto
Beard	Diaz-Balart	Johnson	Thomas
Brown	Dudley	Kiser	Thurman
Bruner	Forman	Langley	Walker
Casas	Gardner	Malchon	Weinstock
Childers	Girardeau	McKay	Wexler
Crenshaw	Gordon	Meek	Yancey
Crotty	Grant	Myers	

Nays—1

Plummer

Vote after roll call:

Yea—Kirkpatrick

**HB 905**

Yeas—36

Madam President	Dantzler	Jenne	Myers
Bankhead	Davis	Jennings	Plummer
Beard	Diaz-Balart	Johnson	Souto
Brown	Dudley	Kiser	Thomas
Bruner	Forman	Kurth	Thurman
Casas	Gardner	Langley	Walker
Childers	Girardeau	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**CS for CS for HB 1431**

Yeas—34

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kiser	Thomas
Brown	Forman	Kurth	Thurman
Bruner	Gardner	Langley	Walker
Casas	Girardeau	Malchon	Weinstein
Crenshaw	Gordon	McKay	Yancey
Crotty	Grant	Meek	
Dantzler	Grizzle	Myers	

Nays—None

Vote after roll call:

Yea—Childers, Kirkpatrick

**CS for CS for HB 1465**

Yeas—32

Madam President	Davis	Grizzle	Scott
Bankhead	Diaz-Balart	Jenne	Souto
Brown	Dudley	Kirkpatrick	Thomas
Bruner	Forman	Kurth	Thurman
Casas	Gardner	Malchon	Walker
Childers	Girardeau	Meek	Weinstein
Crenshaw	Gordon	Myers	Weinstock
Crotty	Grant	Plummer	Wexler

Nays—6

Beard	Jennings	Langley
Dantzler	Johnson	McKay

Vote after roll call:

Yea to Nay—Bruner

**CS for HB 1587**

Yeas—36

Bankhead	Davis	Jennings	Scott
Beard	Diaz-Balart	Johnson	Souto
Brown	Dudley	Kiser	Thomas
Bruner	Forman	Kurth	Thurman
Casas	Gardner	Langley	Walker
Childers	Girardeau	Malchon	Weinstein
Crenshaw	Gordon	McKay	Weinstock
Crotty	Grant	Myers	Wexler
Dantzler	Grizzle	Plummer	Yancey

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**HB 1907**

Yeas—34

Madam President	Davis	Jenne	Plummer
Bankhead	Diaz-Balart	Jennings	Souto
Beard	Dudley	Johnson	Thurman
Brown	Forman	Kiser	Walker
Bruner	Gardner	Kurth	Weinstein
Casas	Girardeau	Langley	Weinstock
Childers	Gordon	Malchon	Wexler
Crenshaw	Grant	Meek	
Dantzler	Grizzle	Myers	

Nays—1

McKay

**CS for HB 2089**

Yeas—39

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Scott
Beard	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	

Nays—None

**CS for HB 2089—After Reconsideration**

Yeas—35

Madam President	Davis	Johnson	Scott
Bankhead	Diaz-Balart	Kirkpatrick	Souto
Beard	Forman	Kiser	Thomas
Brown	Gardner	Kurth	Thurman
Bruner	Girardeau	Langley	Walker
Childers	Grant	Malchon	Weinstein
Crenshaw	Grizzle	McKay	Weinstock
Crotty	Jenne	Myers	Wexler
Dantzler	Jennings	Plummer	

Nays—None

**CS for HB 2135**

Yeas—34

Madam President	Davis	Jenne	Myers
Bankhead	Diaz-Balart	Jennings	Thomas
Beard	Dudley	Johnson	Thurman
Brown	Forman	Kiser	Walker
Casas	Gardner	Kurth	Weinstein
Childers	Girardeau	Langley	Weinstock
Crenshaw	Gordon	Malchon	Wexler
Crotty	Grant	McKay	
Dantzler	Grizzle	Meek	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Souto, Yancey

**CS for HB 2327**

Yeas—29

Madam President	Gardner	Kurth	Thurman
Bankhead	Girardeau	Langley	Walker
Brown	Gordon	Malchon	Weinstein
Casas	Grant	Meek	Weinstock
Crotty	Grizzle	Myers	Wexler
Diaz-Balart	Jennings	Plummer	
Dudley	Johnson	Souto	
Forman	Kiser	Thomas	

Nays—2

Dantzler      Jenne

Vote after roll call:

Yea—Kirkpatrick

**ROLL CALLS ON EXECUTIVE BUSINESS****Appointments  
Motion to Divide the Question**

Yeas—10

Bruner	Gordon	Walker	Yancey
Dantzler	Jenne	Weinstein	
Forman	Plummer	Wexler	

Nays—24

Madam President	Diaz-Balart	Jennings	Myers
Bankhead	Dudley	Johnson	Scott
Beard	Gardner	Kiser	Souto
Brown	Girardeau	Langley	Thomas
Casas	Grant	McKay	Thurman
Davis	Grizzle	Meek	Weinstock

Vote after roll call:

Nay—Crotty

**Report**

Yeas—36

Madam President	Davis	Jennings	Scott
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kiser	Thomas
Brown	Forman	Kurth	Thurman
Bruner	Gardner	Langley	Walker
Casas	Girardeau	Malchon	Weinstein
Childers	Grant	McKay	Weinstock
Crenshaw	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	Yancey

Nays—2

Gordon      Plummer

Vote after roll call:

Yea—Crotty

**ENROLLING REPORTS**

SB 644, CS for SB 670, SB 702, CS for SB 818, SB 950, CS for SB 1164, SB 1196, CS for CS for SB 1316, SB 1802, CS for SB 1876, CS for SB 2094 and SB 2234 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 26, 1991.

*Joe Brown, Secretary***CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 25 was corrected and approved.

**CO-SPONSORS**

Senator Souto—SB 70, CS for SB 114, CS for SB 224, CS for SB 880;  
Senator Thurman—CS for CS for SB 812

**RECESS**

Senator Thomas moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Monday, April 29, at 2:00 p.m., or upon call of the President. The motion was adopted.

Pursuant to the motion by Senator Thomas, the Senate recessed at 11:20 a.m. to reconvene at 2:00 p.m., Monday, April 29, or upon call of the President.